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UNITED NATIONS STANDARDS AND NORMS IN THE FIELD OF CRIME PREVENTION AND CRIMINAL JUSTICE

Capital punishment and implementation of the safeguards guaranteeing the protection of the rights of those facing the death penalty

Report of the Secretary-General

Summary

At its fifty-fourth session, the Economic and Social Council invited the Secretary-General to submit to it, at five-year intervals starting from 1975, periodic updated and analytical reports on capital punishment (Council resolution 1745 (LIV)). In its resolution 1990/51, the Council requested the Secretary-General, in preparing the fifth quinquennial report, to draw on all available data, including current criminological research, and recommended that the quinquennial reports should also cover the implementation of the safeguards guaranteeing protection of the rights of those facing the death penalty (Council resolution 1984/50, annex). Accordingly, the fifth quinquennial report of the Secretary-General on capital punishment and the implementation of the safeguards guaranteeing the protection of the rights of those facing the death penalty (E/1995/78 and Add.1 and Add.1/Corr.1) contained also information on the above- mentioned issue.

The Council, having considered the report, adopted resolution 1995/57, in which it expresses concern about the limited number of replies to the questionnaire on the subject, and requested the Commission on Crime Prevention and Criminal Justice to examine the report of the Secretary-General at its fifth session. The present report consolidates the information contained in the fifth quinquennial report with the additional 12 replies received from Governments since July 1995, and thus reviews the use of and trends in capital punishment, including the implementation of the safeguards, during the period 1989-1993.

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*E/CN.15/1996/1.

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INTRODUCTION

1. In its resolution 1745 (LIV), the Economic and Social Council invited the Secretary-General to submit to the Council periodic updated and analytical reports at five-year intervals starting from 1975 on the question of capital punishment. The first quinquennial report, submitted by the Secretary-General in 1975, covered the period 1969 to 1973 (E/5616 and Add.1 and Corr.1 and 2). The second quinquennial report, prepared in 1980 and covering the period 1974 to 1979 (E/1980/9 and Corr.1 and 2, Add.1 and Add.1/Corr.1, and Add.2 and 3), was also submitted to the Sixth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held at Caracas from 25 August to 5 September 1980, in accordance with Economic and Social Council decision 1980/142. The third quinquennial report, covering the period 1979 to 1983 (E/1985/43 and Corr.1), was considered by the Council in 1985 and by the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders. The fourth quinquennial report, covering the period 1984 to 1989 (E/1990/38/Rev.1 and Corr.1 and Add.1), was considered by the Council at its first and second regular sessions of 1990, and by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders (A/CONF.144/28/Rev.1, chap. IV, sect. C).

2. In pursuance of Council resolutions 1984/50 and 1986/10, section X, the Secretary-General submitted to the Committee on Crime Prevention and Control at its tenth session a report on the implementation of the United Nations safeguards guaranteeing protection of the rights of those facing the death penalty (E/AC.57/1988/9 and Corr.1 and 2). In that report, which was based on replies from 74 countries, it was noted that the review justified the concern expressed by the Human Rights Committee that inadequate progress had been made towards abolishing or limiting the application of the death penalty.[1]

3. The Economic and Social Council, in its resolution 1989/64, decided that future reports on capital punishment and on the implementation of safeguards would be combined. Further, in its resolution 1990/29 and 1990/51, the Council invited Member States to provide the Secretary-General with the information required for the preparation of the fifth quinquennial report, and requested the Secretary-General to draw on all available data, including current criminological research, as well as comments from specialized agencies and intergovernmental and non-governmental organizations. In his notes verbales of 22 November 1994 and 10 March 1995, the Secretary-General requested Governments to provide relevant information in order to facilitate his efforts to gather comprehensive, timely and accurate information about the implementation of the safeguards and the death penalty in general during the period 1989-1993.

4. The Secretary-General submitted to the Council, at its substantive session in 1995, the fifth quinquennial report on capital punishment and on the implementation of the safeguards guaranteeing protection of the rights of those facing the death penalty (E/1995/78 and Add.1 and Add.1/Corr.1). The Council, upon review of the report, in its resolution 1995/57, and conscious of the fact that only 63 Governments had replied to the questionnaire, requested the Commission on Crime Prevention and Criminal Justice to examine the report at its fifth session. In order to facilitate the discussion on this subject, the Secretary-General, in his note verbale of 11 October 1995, invited Governments which had not replied to the questionnaire to provide the Secretariat with their views as well as with all relevant information on this issue.

5. The Secretariat received 12 additional replies from Governments. The present report consolidates the information contained in the fifth quinquennial report with those additional replies.

I. BACKGROUND AND SCOPE OF THE REPORT

6. In analysing the responses received - as was the practice in the first four surveys - countries have been classified as abolitionist, abolitionist de facto or retentionist. Countries that do not contemplate the death penalty in their laws, either for any crime (civil or military) or for ordinary offences only, are regarded as abolitionist. Countries that retain the death penalty for ordinary crimes but have not executed anyone during

the last 10 years or more are considered abolitionist de facto. All others are defined as retentionist, i.e. the death penalty is in force and executions have taken place.

7. In comparing the results of the fifth survey with those of the previous four, it should be recalled that in those surveys countries were classified according to their death penalty status at the time that the report was written, rather than at the beginning of the five-year period. Of the 49 States that responded to the first capital punishment survey (1969-1973), 23 were abolitionist and 26 retentionist. Of the 74 States responding to the second survey (1974-1978), 26 were abolitionist (16 for all crimes and 10 for ordinary crimes), 47 were retentionist and one was divided on the issue (i.e. it had the death penalty in some jurisdictions but not others). The third survey (1979-1983) elicited 64 responses, 25 from abolitionist States (20 for all crimes and five for ordinary crimes), and 39 from retentionist States. Fifty-five States responded to the fourth survey (1984-1988): 32 were abolitionist (26 for all crimes and six for ordinary crimes) and 23 retentionist, of whom five could be considered abolitionist de facto (having had no executions for 10 or more years). Thirty-nine of these 55 States also responded to a questionnaire on the implementation of the safeguards guaranteeing the rights of those facing the death penalty, responses to which were received in May 1988, together with responses from 34 other States that did respond to the fourth survey. Thus, the total number of responses to both surveys was 89. It is against that benchmark that the response rate to the fifth (combined) survey should be compared.

8. The current survey, covering the years 1989-1993, yielded responses concerning 69 States: 66 from governmental sources and three from non-governmental* agencies. At the time their replies were submitted, 43 were abolitionist** (32 for all crimes, including five countries that emerged as new States during the quinquennium, and 11 for ordinary crimes);*** while 26 (including four new States) were retentionist. Nine of these (including one new State) were considered abolitionist de facto**** (see annex I).

9. Compared with previous surveys, a lower proportion of all countries responding to the fifth survey were retentionist. In the first three quinquennial surveys, the proportion was 53 per cent, 64 per cent and 61 per cent, whereas in the fourth and fifth surveys retentionist countries accounted for 42 per cent and 38 per cent, respectively. In part this reflects the increasing number of countries which are abolitionist. Nevertheless, only 17 (17 per cent) of 103 retentionist countries or territories at the end of the reporting period (31 December 1993),***** provided information† compared with 43 (62 per cent) of 69 countries and territories listed as abolitionist, either completely or for ordinary offences, and nine (43 per cent) of the 21 abolitionist de facto countries.

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*The Andean Commission of Jurists submitted questionnaires concerning three countries for which no official government replies were received: Chile, Ecuador and Venezuela. The Commission also submitted responses concerning three countries for which official government replies were received: Bolivia, Colombia and Peru.

**One country, Mauritius, which was retentionist at the time it submitted its reply, subsequently abolished the death penalty - in 1995.

***At the time it submitted its reply to the survey, Spain was abolitionist for ordinary crimes only, but subsequently abolished capital punishment completely in 1995.

****One of these countries, Trinidad and Tobago, resumed executions in 1994.

*****It should be noted that since the end of the reporting period a number of countries have changed their status in relation to the death penalty. At the end of 1993, Amnesty International listed 69 countries as abolitionist (either completely or for ordinary crimes), 21 countries as abolitionist de facto, and 103 as retentionist. The corresponding figures for the end of December 1995 are 72 abolitionist, 30 abolitionist de facto and 90 retentionist. Two of the countries which replied to the fifth survey changed their status as abolitionist or retentionist after 31 December 1993: one retentionist became abolitionist, and one abolitionist de facto reverted to retentionist. One which was abolitionist for ordinary crimes only became completely abolitionist (see annex I).

†Including the three countries for which only a reply from a non-governmental organization was received.

10. Comparisons between surveys are vitiated by the fact that countries that respond to one questionnaire do not always reply to the next. Thus, 36 of the 89 countries (40 per cent) that responded in 1990 to the fourth survey or the survey on safeguards or both did not respond to the fifth survey. Twenty-six (72 per cent) of those countries were retentionist (five being abolitionist de facto). However, of the 69 countries that responded to the fifth survey (including non-governmental organizations), only 15 (including six new independent States) had not replied to either of the 1990 surveys. Thus, while a number of countries consistently respond to the surveys, a substantial number do not, and a majority of those are retentionist countries.

11. It should also be noted that the extent to which responding countries completed all relevant sections of the questionnaire varied considerably. A few abolitionist countries considered it sufficient to send a note to this effect, while many retentionist countries either provided no information on the number of death sentences or executions over the quinquennium or did not reply to questions on policy changes between 1989 and 1993.

II. CHANGES IN DEATH PENALTY STATUS 1989-1993

12. Of the 69 countries from which information was received, seven were in North Africa and the Middle East (Bahrain, Egypt, Israel, Jordan, Morocco, Qatar and Tunisia); seven in Asia and the Pacific (Bangladesh, Japan, Republic of Korea, Singapore, Sri Lanka, Thailand and Tonga); 14 in Latin America and the Caribbean (Argentina, Bolivia, Brazil, Chile, Colombia, Ecuador, Guatemala, Mexico, Panama, Paraguay, Peru, Trinidad and Tobago, Uruguay and Venezuela); 12 in eastern Europe (Armenia, Belarus, Bosnia and Herzegovina, Croatia, Czech Republic, Poland, Romania, Russian Federation, Slovakia, Slovenia, the former Yugoslav Republic of Macedonia and Ukraine); six in Africa south of the Sahara (Burundi, Cape Verde, Guinea, Mauritius, Namibia and Sao Tome and Principe); 22 in western Europe and other States (Australia, Austria, Cyprus, Denmark, Finland, France, Germany, Greece, Iceland, Luxembourg, Malta, Monaco, Netherlands, New Zealand, Norway, Portugal, San Marino, Spain, Sweden, Switzerland, Turkey and United Kingdom of Great Britain and Northern Ireland); and one in North America (Canada).

13. As mentioned above, previous reports listed countries according to their status in relation to the death penalty either at the end of the quinquennium under review or at the time of writing of the report. In addition, any changes that had taken place in law or in practice during the five years covered by the report were noted. In order to obtain a better overall appreciation of the changes that have taken place since the fourth report was submitted, the replies to the fifth survey have been analysed relative to the death penalty status of countries in 1989, so that the movement of law, practice and opinion over the period being surveyed can be readily perceived and more clearly assessed.

A. Countries that had already abolished the death penalty for all crimes by 1989

14. By 1989, 21 of the 69 responding countries had already completely abolished the death penalty for all crimes: Australia, Austria, Cape Verde, Colombia, Denmark, Ecuador, Finland, France, Germany, Iceland, Luxembourg, Monaco, Netherlands, New Zealand, Norway, Panama, Portugal, San Marino, Sweden, Uruguay and Venezuela. In only two were there attempts made to reinstate it. According to the Andean Commission of Jurists, proposals to reintroduce the death penalty in Ecuador and Venezuela came before the legislatures of both countries in 1994 but were not accepted. Indeed, a change in the Constitution of Ecuador (article 19 of which bars the death penalty) would be required to reintroduce capital punishment in that country.

B. Countries that had already abolished the death penalty for ordinary crimes by 1989

15. By 1989, capital punishment had already been abolished for ordinary crimes in a further 12 responding countries: Argentina, Brazil, Canada, Cyprus, Israel, Malta, Mexico, Peru, Spain, Sao Tome and Principe,

Switzerland and United Kingdom. While those countries retained the death penalty in exceptional circumstances, notably in time of war for military crimes and for certain crimes against the State, no executions had taken place in any of them for at least 10 years; they could therefore be regarded as abolitionist de facto as far as such offences were concerned. For example, Mexico considered itself as a de facto abolitionist country: although the Constitution of Mexico provided for the death penalty for several categories of murder, the penal codes of individual states of Mexico made no provision for it. And while the Code of Military Justice provided for capital punishment for specific offences, in practice (under article 130 of the Code) the death sentence was always commuted to long-term imprisonment.

16. Sao Tome and Principe in 1990 and Switzerland in 1992 completely abolished the death penalty. Switzerland cited the following reasons for abolishing capital punishment under its Military Penal Code: the death penalty was a flagrant violation of the right to life and dignity; the time awaiting execution was inhumane treatment; in the event of a judicial error, there could be, by definition, no reparation; the deterrent effect had not been demonstrated; and the arguments in favour of the abolition of the death penalty in peacetime were just as valid as those for its abolition in wartime because there could not be two ways to guarantee human rights.

17. At the end of November 1994, a bill to abolish capital punishment under the Military Penal Code of Spain was presented to the Congress of Spain, and it became law in late 1995. Spain explained that in this way its Constitution, reflecting the general sentiment of the citizenry, was brought into conformity with the school of thought favouring the abolition of the death penalty. Referring to recommendation 1246, adopted on 4 October 1994 by the Parliamentary Assembly of the Council of Europe, which took the view that the death penalty had no place in the general penal system of advanced, civilized societies, the Spanish reply concluded that no more degrading or afflictive punishment could be imagined than to deprive a person of his or her life, nor could anyone conceive of anything more contrary to the philosophy of punishment enshrined in its Constitution, in which punishment was seen as a means of rehabilitation, than the deprivation of life. That view was shared by a number of other abolitionist countries. For example, Uruguay, which had abolished capital punishment in 1907, considered that the application of the death penalty as a punishment related to the old criminal law concept of retribution that had been totally superseded in the history of mankind. In the view of Uruguay, punishment must fulfil the objective of social rehabilitation, and that was clearly in contradiction with an irrevocable sentence involving the death of an individual.

18. Cyprus reported that the competent authorities were contemplating the revision of a number of obsolete sections - 36 (treason), 37 (instigating invasion) and 69 (piracy) - of its Criminal Code as well as capital military offences so as to abolish the death penalty completely. The reason for retaining the death penalty (which had for many years fallen into disuse on account of social evolution and changed social attitudes on capital punishment, and which had never been inflicted for military offences) was said to be connected with the highly anomalous situation that had been caused by the Turkish invasion and occupation of a large part of the country since 1974. It should also be noted that no death sentence had ever been imposed under the Military Code of Cyprus.

19. Peru replied that it was among those countries that favoured the abolition of the death penalty as far as ordinary crimes were concerned, and was indeed abolitionist in that sense. However, the death penalty had been approved by a national referendum, under article 140 of the Constitution of 1993, for two offences against the State: treason and terrorism carried out within the country (it was already a capital offence to commit such acts in the context of a foreign war). Although that extension was a special measure adopted in response to a civil war being waged by criminal bands, no legislative provisions had yet been introduced into the Peruvian Criminal Code to specify in criminal law the acts for which the death penalty could be imposed or to determine the relevant criminal procedures. In addition, no decision had been taken on whether the death penalty was to be mandatory or discretionary for such offences, although it had been established that they were to be tried by a military tribunal. The Andean Commission of Jurists, in its reply to the fifth survey, claimed that the new law was in conflict with article 4.2 of the American Convention on

Human Rights, which prohibited any extension of the death penalty, and with article 4.4, which prohibited its extension to political crimes or related common crimes. The Commission also reported that, in October 1994, a popular initiative to abolish the death penalty had been submitted to the Peruvian Congress so as to modify the Constitution. That proposal was being studied by the Congress.

20. Replies suggested that there were no plans to abolish capital punishment for offences against the State or military offences in time of war in Argentina, Brazil, Israel, Malta, Mexico or the United Kingdom, even though it was regarded in Malta as a dead letter, in the United Kingdom as existing in theory only, and the official reply from Brazil stated that the death penalty was not contemplated in the Brazilian juridical system. However, Canada stated that the death penalty provisions for very serious acts proscribed by the National Defence Act were under review.

21. What were described as political initiatives to reinstate the death penalty in Argentina failed to win parliamentary approval, nor did non-governmental moves in 1990 to reintroduce the death penalty for murder in the United Kingdom.

C. New independent States, created after 1989, that abolished the death penalty

22. Five of the States that are now abolitionist only came into existence after 1989. The Parliament of the former Czechoslovakia voted to abolish capital punishment in May 1990 and, after the separation of the constituent republics of the former Czechoslovakia, abolition came into effect in both the Czech Republic and Slovakia on 1 July 1990. The Czech Republic replied that capital punishment had been abolished after the elimination of the totalitarian regime in response to public opinion. Slovakia gave as its reasons: incompatibility with the fundamental human right to life; the principle of humanization of criminal justice; the principle that the penalty should serve to re-educate offenders; and concern over wrongful convictions. Three successor States of the former Yugoslavia became totally abolitionist: Croatia under its Constitution of 1990 and Slovenia and the former Yugoslav Republic of Macedonia in 1991, when the abolition of the death penalty was embodied in their new constitutions. The former Yugoslav Republic of Macedonia cited modern views in penology that negated the need for the death penalty, democratic developments in its society and the constitutional guarantee to the right to life. Slovenia referred to its Constitution, article 17 of which stated that human life was inviolable and that there should be no capital punishment in Slovenia.

D. Retentionist countries in 1989

1. Countries that were already abolitionist de facto in 1989

23. Six of the responding countries had been considered abolitionist de facto in 1989: Bahrain (last execution in 1977), Bolivia (last execution in 1974), Greece (last execution in 1972), Paraguay (last execution in 1917), Sri Lanka (last execution in 1976) and Trinidad and Tobago (last execution in 1979). Three of those countries replied that they had abolished the death penalty during the quinquennium: Bolivia and Paraguay completely and Greece for ordinary offences.

24. Paraguay stated that, following the world trend towards abolition of the death penalty, social developments in that country, particularly since the overthrow of the previous military regime in 1989, had contributed to the decision of the Constituent National Convention to abolish capital punishment for all crimes in 1992, under article 4 of the new Constitution of Paraguay. Moreover, Paraguay had declared its observance of the international covenants, treaties and conventions concerning the protection of human rights and fundamental freedoms. Bolivia stated that it was an abolitionist State, since the death penalty was not permitted. Under article 17 of its Constitution, the penalty for murder, parricide and treason was 30 years' imprisonment. The Penal Code drafted under a former military Government was therefore in the process of being amended by a democratic State in which constitutional guarantees were fully applied, the death penalty being banned from civil and military justice. Greece, which became abolitionist in terms of offences under

ordinary criminal law in December 1993, reported that it expected soon to abolish the death penalty for military offences during peacetime. Abolition was consistent with the provision of article 2, paragraph 1, of the Constitution of Greece, which recognizes that human life is of supreme value, as well as with the recognition that, from the point of view of the general prevention of crime, the efficiency of the death penalty was non-existent.

25. Trinidad and Tobago is the only country that was abolitionist de facto in 1989 to have reverted to executions. Although at the end of the reporting period no one had been hanged since November 1979, an execution took place in July 1994.

2. Countries that retained and enforced capital punishment prior to 1989

26. Twenty-one of the 69 States from, or in relation to which, replies were received had been retentionist in 1989: six from the Asia and the Pacific region (Bangladesh, Japan, Republic of Korea, Singapore, Thailand and Tonga); four from sub-Saharan Africa (Burundi, Guinea, Mauritius and Namibia); five from North Africa and the Middle East (Egypt, Jordan, Morocco, Qatar and Tunisia); three from eastern Europe (Poland, Romania and the former Union of Soviet Socialist Republics (USSR/Russian Federation);* and two from Latin America and the Caribbean (Chile and Guatemala); and one from western Europe (Turkey).

27. Two of these 21 countries became abolitionist for all crimes during the reporting period, and another one afterwards. When Namibia attained independence in March 1990, capital punishment was prohibited by its Constitution (under article 6 on the protection of life), and Romania, in response to public opinion and as a result of the collapse of the communist dictatorship, abolished the death penalty by a decree of 7 January 1990. The situation in Mauritius, where the last execution was in 1987, has been complicated. The reply to the survey stated that the Prime Minister of Mauritius had made an official statement to the effect that no death sentence was to be carried out for the time being. However, when in February 1992 the Judicial Committee of the Privy Council in London ruled that a section of the Dangerous Drugs Act 1986 that provided for the death penalty was unconstitutional, the Mauritius National Assembly almost immediately amended the law (in April 1992) so as to provide a mandatory death penalty for drug trafficking.[2] Nevertheless in November 1995, the Parliamentary Assembly voted for the second time that year to abolish the death penalty, and this was duly carried into effect.

28. Poland halted executions in April 1988, and no death penalty had been imposed for an ordinary offence since June 1992. The death penalty had been abolished for organizing and directing a major economic crime (23 February 1990) on the grounds that public opinion did not accept the death penalty for economic crimes. The draft of the new Penal Code of Poland, which provided for the total removal of capital punishment, had been submitted for public discussion, and was expected to be presented to Parliament in 1995.

29. While Burundi, Guatemala, Guinea and Tonga retained the death penalty, the last executions were in 1982, 1983, 1983 and 1982 respectively, making all four countries abolitionist de facto by the end-date of the survey. Burundi and Guinea had no plans to abolish the death penalty, but the Judge of the Supreme Court of Justice of Guatemala, who was entrusted with the completion of the questionnaire, gave it as his opinion that the death penalty should be abolished in Guatemala provided that, in accordance with the San José pact, imprisonment achieved the purpose of reintegrating the convicted offender into society through a process of re-education and rehabilitation.

30. Turkey stated that its policy was aimed not at abolishing capital punishment, but at reducing and limiting the offences for which it can be imposed. In pursuit of that policy it had, through acts dated November 1990

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*The Russian Federation has not, for obvious reasons, been counted among the new independent states. The information relating to 1989 refers to the former USSR.

and June 1991, abolished the death penalty for offences relating to narcotics. Noting that the last execution was in 1984, Turkey declared that it could be classified among the de facto abolitionist countries.

31. The response from the Andean Commission of Jurists concerning Chile noted that the death penalty had been abolished for certain offences during the period 1989-1993, but did not specify those offences. It also noted that since 1990, when Chile started its transition to democracy, a series of legal reforms had been undertaken to modify the legal system to take into account international procedures for the protection of human rights. The last execution in Chile was in 1985 which indicates that Chile should now be regarded as a de facto abolitionist country.

32. Bangladesh, Egypt, Japan, Jordan, Republic of Korea, Morocco, Qatar, Singapore, Russian Federation (and the former USSR), Thailand and Tunisia retained their use of the death penalty. Jordan, Singapore and Thailand stated specifically that they had no plans to abolish or limit the scope of capital punishment. However, Tunisia, where the last execution took place in October 1991, stated that the current trend was not to carry out death sentences: over 20 death sentences had not been carried out. Japan stated that it was always trying to collect and analyse the necessary information in regard to the use of the death penalty, paying attention to the trends in various countries as to whether they wished to retain or abolish the death penalty, the arguments put forward for and against capital punishment inside and outside Japan, as well as trends in public opinion. The Ministry of Justice of the Republic of Korea reported that it was studying and considering the reduction of the scope of the death penalty, but, so far, there had been no outcome. The reply from the Russian Federation noted that, under article 20 of its Constitution, the death penalty, until such time as it is repealed, is to be regarded as an extreme measure of punishment for particularly serious crimes against life. In Thailand all death sentences had been commuted after September 1987.

33. Among the retentionist countries, only Bangladesh and Singapore (although it was not mentioned in its reply) had extended the death penalty during the quinquennium. In 1993, Singapore made it a capital offence (under the Armed Offences Amendment Act) to fire or try to fire a gun while committing or attempting to commit a crime. The Narcotics Control Act of 1990 gave discretion to the Courts of Bangladesh to impose the death sentence for offences involving the cultivation, production, possession, carrying, sale, purchase or storage of heroin, cocaine and other dangerous drugs. Moreover, the United Nations Special Rapporteur on extrajudicial, summary or arbitrary executions, reported that he had received information that the Parliament of Bangladesh had approved on 1 November 1992 the Curbing of Terrorist Activities Act 1992. That law reportedly extended the death penalty to a number of offences for which the maximum punishment had previously been imprisonment. Nine offences listed under the heading of terrorism or anarchy were said to be punishable with from five years' imprisonment to the death penalty, there being no link between specific offences and specific punishments (see E/CN.4/1994/7, para. 136).

E. New independent States of eastern Europe, created after 1989, that retained the death penalty

34. In the former Yugoslavia, there had been no executions in Bosnia and Herzegovina since 1975; therefore, upon declaring independence in 1992, Bosnia and Herzegovina joined the ranks of the abolitionist de facto countries.

35. Three countries, which were formerly part of the USSR (apart from the Russian Federation, which is discussed in paragraph 32 above) responded to the survey: Armenia, Belarus and Ukraine. All have continued to carry out executions, although the last one in Armenia took place in August 1991. Both Belarus and Ukraine had abolished the death penalty for a number of offences since they became independent States. Ukraine repealed it for 12 offences, citing as reasons socio-economic changes and the implementation of measures ensuring protection of human rights in accordance with international agreements. Between 1992 and 1994 the Supreme Soviet of Belarus, because it recognized that under the new socio-economic conditions it was inappropriate, abolished capital punishment for economic crimes, such as the taking of bribes under

aggravating circumstances and the theft of State property, in particularly large amounts. Belarus also reported changes in the way in which capital punishment was applied: it remained only as an extraordinary measure (which could be followed by its commutation), imposed only for the commission of particularly severe crimes listed in the Penal Code, and was no longer to be imposed on women. Armenia also reported that it had abolished the death penalty for thefts of large amounts of State or public property in 1992, and the new draft criminal code proposed that the death penalty should not apply to women. It was proposed to hold a referendum on the abolition of the death penalty in conjunction with the adoption of the new Constitution.

F. Major changes since 1989

36. Comparing their death penalty status in 1989 with their status at the end of 1995, the 69 responding countries can be grouped as follows:

	Status	*Number of countries*
A.	*Complete abolitionist*	
	Have remained totally abolitionist	21[a]
	Have become totally abolitionist	13[b]
B.	*Abolitionist for ordinary crimes*	
	Have remained abolitionist for ordinary crimes	9[c]
	Have become abolitionist for ordinary crimes	1[d]
C.	*Abolitionist de facto*	
	Have remained abolitionist de facto	2[e]
	Have become abolitionist de facto	7[f]
D.	*Retentionist*	
	Have recently carried out executions	13[g]
	Have reverted from de facto status to retentionist	1[h]
	Have ceased executions and expect to abolish the death penalty completely in the near future	1[i]
	Have undertaken to review the death penalty	1[j]

[a] Australia, Austria, Cape Verde, Colombia, Denmark, Ecuador, Finland, France, Germany, Iceland, Luxembourg, Monaco, Netherlands, New Zealand, Norway, Panama, Portugal, San Marino, Sweden, Uruguay and Venezuela.

[b] Three countries formerly abolitionist for ordinary crimes: Sao Tome and Principe, Spain and Switzerland. Two countries formerly abolitionist de facto: Bolivia and Paraguay. Two countries formerly retentionist: Mauritius and Romania. Six new independent States: Croatia, Czech Republic, Namibia, Slovakia, Slovenia and the former Yugoslav Republic of Macedonia.

[c] Argentina, Brazil, Canada, Cyprus, Israel, Malta, Mexico, Peru and United Kingdom.

[d] Greece.

[e] Bahrain and Sri Lanka.

[f] Six formerly retentionist countries: Burundi, Chile, Guatemala, Guinea, Tonga and Turkey. One new independent country: Bosnia and Herzegovina.

[g] Bangladesh, Egypt, Japan, Jordan, Morocco, Qatar, Republic of Korea, Russian Federation (and the former USSR). Singapore, Thailand and Tunisia, as well as two new independent States, Belarus and Ukraine.

[h] Trinidad and Tobago.

[i] Poland.

[j] Armenia.

37. On the basis of the replies received, it appears that there has been a considerable shift towards the abolition of the death penalty both *de jure* and in practice. However, it will be recalled that the number and proportion of retentionist States that responded to the survey was quite limited.

38. From information available on those countries that did not reply to the survey, it emerges that 10 countries have completely abolished capital punishment since 1989, including:

(a) Andorra (1990) and Ireland (1990), which were formerly considered abolitionist de facto;

(b) Italy (1994) and New Zealand (1989), which were formerly considered abolitionist for ordinary crimes;

(c) Angola (1992), Cambodia (1989), Guinea-Bissau (1993), Hungary (1990), Mozambique (1990), Republic of Moldova (1995) and South Africa (1995),* which were formerly retentionist.

In addition, Nepal became abolitionist for ordinary crimes in 1990.

39. Thus, combining this information with the results of the fifth survey, it appears that since 1989, 25 countries have abolished capital punishment, 23 of them for all crimes in peacetime or in wartime. An up-to-date list of abolitionist and retentionist countries is contained in annex II below.

40. Among other countries that did not reply to the fifth survey, several are known from other sources to have reduced the scope of the death penalty. For example, a number of States that have become independent from the former USSR have abolished capital punishment for various economic crimes.** The Report of the Committee on Legal Affairs and Human Rights of the Parliamentary Assembly of the Council of Europe on the abolition of the death penalty (September 1994), which was based on official replies from Governments, revealed that Bulgaria had introduced a moratorium on the use of the death penalty during 1992 and 1993, and that discussion of abolition was continuing in the Legislative Committee of the National Assembly and in the Constitutional Court. In Estonia, new legislation was being worked out that might abolish the death penalty. The Parliament of Lithuania might adopt a law on the moratorium of application of the death penalty in peacetime and, in Latvia, a law on the abolition of capital punishment was being drafted. In addition, Albania had substantially reduced the number of capital offences.

41. Twelve non-responding countries that were already abolitionist de facto in 1989 have remained so.*** In addition, five more States have become de facto abolitionist,**** while Mongolia has abolished the death penalty for a range of offences.

42. As stated by Pope John Paul II in his encyclical entitled "Evangelium vitae" of 25 March 1995, a growing tendency in both the church and civil society can be seen to demand that the death penalty be applied in a very limited way or else be abolished completely. The problem, the Pope pronounced, must be viewed in the context of a system of penal justice which should be more in line with human dignity, and thus,

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*In June 1995, the Constitutional Court of South Africa ruled that the death penalty was unconstitutional. It is a moot point as to whether this judgement would apply to the offence of treason in time of war. It would seem, however, that the intention of the Court in basing its decision on a violation of human rights was to abolish the death penalty in all circumstances.

**Other than Armenia and the Russian Federation, which replied to the survey, they were: Estonia, Kyrgyzstan, Latvia and Lithuania. As mentioned in paragraph 38 above, the Republic of Moldova announced the abolition of the death penalty in November 1995.

***Belgium, Bhutan, Brunei Darussalam, Comoros, Côte d'Ivoire, Djibouti, Madagascar, Maldives, Niger, Samoa, Senegal and Suriname.

****Central African Republic, Congo, Mali, Rwanda and Togo.

in the end, with God's plan for human and society. The primary purpose of the punishment that society inflicts is to redress disorder caused by the offence in question. Public authority must redress the violation of personal and social rights by imposing on the offender an adequate punishment for the crime as a condition for the offender to regain the exercise of his or her freedom. In this way authority fulfils the purpose of defending public order and ensuring people's safety, while at the same time offering the offender an incentive and help to change his or her behaviour and be rehabilitated. It is clear that, for these purposes to be achieved, the nature and extent of the punishment must be carefully evaluated and decided upon, and ought not to go to the extreme of executing the offender except in cases of absolute necessity, in other words, when it would not be possible otherwise to defend society. Currently, however, as a result of steady improvements in the organization of the penal system such cases are very rare if not practically non-existent.

43. The cumulative movement towards the restriction and abolition of the death penalty has not been universal. Capital punishment has been reintroduced in at least five countries since 1989. The first to do so was Papua New Guinea in 1991 for wilful murder (it had been abolished for ordinary crimes in 1975). The next was the Philippines. After abolishing capital punishment completely in 1987, it was brought back in 1992 for a wide variety of offences: treason, kidnapping for ransom, drug trafficking, murder if accompanied by torture and mutilation, rape if committed in front of others or if the victim becomes insane, piracy, hijacking, arson and serious illegal desertion. Gambia abolished the death penalty completely in 1993, but the Armed Forces Provisional Ruling Council issued a decree in August 1995 which reinstated it. Georgia abolished the death penalty in February 1992 on becoming a sovereign State, only to reintroduce it in November of the same year for a number of offences. In the United States of America, capital punishment was reintroduced for murder in the States of Kansas (1994) and New York (1995), and the scope of the death penalty was considerably extended in federal law so as to include large-scale drugs offences committed as part of a "continuing criminal enterprise", even though there might be no direct link to death occurring as a consequence. Among retentionist countries, at least 14 that did not reply to the survey have widened the scope of their statutes relating to capital punishment. For example, the Special Rapporteur on extrajudicial, summary or arbitrary executions expressed his concern in 1994 and 1995 at reports of the expansion of the scope of the death penalty in Bangladesh, China, Egypt, Nigeria, Pakistan and Saudi Arabia (see E/CN.4/1994/7, paragraph 676, and E/CN.4/1995/61, paragraph 375). Furthermore, two countries that had been considered abolitionist de facto in 1989 have resumed executions.*

III. ENFORCEMENT OF THE DEATH PENALTY

44. The relatively small number of replies received from retentionist countries can provide no indication of the global use of capital punishment in the years 1989 to 1993, particularly when, as shown above, so many of them are in the process of moving towards either the abolition of the death penalty or a moratorium on executions. Twenty-seven countries had the death penalty on their statute books at the beginning of the reporting period (1 January 1989), and a further four new retentionist States emerged during the reporting period. Not all provided the information requested relating to the annual number of death sentences imposed and executions carried out. Of these 31 countries, 21 provided figures for death sentences and 21 for executions.** Only two of the 21 countries stated that no death sentences were imposed, but 14 stated

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*Sierra Leone carried out six executions in 1989 and 26 in 1992, for treason. Trinidad and Tobago executed a man for murder in July 1994, the previous execution having been in November 1979.

**Nineteen gave figures for both death sentences and executions, 2 provided them for death sentences only, and 2 for executions only. Of the 10 countries which provided no statistics, 4 abolished the death penalty during the reporting period. Information was sometimes available from other sources. For example, the Special Rapporteur on extrajudicial, summary or arbitrary executions reported that, between December 1992 and the end of September 1993, military courts in Egypt were said to have sentenced 28 civilians to death, with 18 executions reportedly carried out (see E/CN.4/1994/7, para. 257). Belarus provided no statistics for executions, but it is known from the official reply of Belarus to the Council

(continued...)

explicitly that no executions had occurred during the reporting period (Bahrain, Bosnia and Herzegovina, Burundi, Chile, Greece, Guatemala, Guinea, Mauritius, Poland, Sri Lanka, Thailand, Tonga, Trinidad and Tobago and Turkey). Trinidad and Tobago resumed executions in 1994 (see also annex I, table 3).

45. A total of 2,143 death sentences were reported, the highest numbers being in Ukraine (494), Sri Lanka (423), Thailand (412), Singapore (140), Bangladesh (135), Burundi (133), Belarus (89), Morocco (76), Trinidad and Tobago (76) and Republic of Korea (63).

46. One hundred and twenty executions were reported by seven countries, the highest number being in the Republic of Korea (39), Jordan (29), Russian Federation (21 in 1991-1993), Bangladesh (18) and Japan (8). For five other countries, no numbers were given, but the date of the last execution indicated that the death penalty had been put into effect during this period.

47. All the death sentences and the few executions recorded involved persons over the age of 18. Thirty-eight women were sentenced to death and two were executed (by Jordan). Of the 2,010 death sentences for which information was available, 1,738 (86 per cent) were for offences against the person, presumably murder in most cases; 186 (9 per cent) for drug-related offences; 60 (3 per cent) for offences against property (not specified whether a death ensued or not); 12 (0.6 per cent) for offences against the State; and 13 for other offences, including offences against the military code. A total of 1,984 of those sentences were reported to have been handed down in ordinary criminal courts, and 26 in military courts (the type of court was not specified in 133 cases).

48. On 31 December 1993, 1,081 persons, including 30 women, were reported to be under sentence of death in 11 countries, of which the largest numbers were in Bangladesh (337), Morocco (203), Sri Lanka (120), Trinidad and Tobago (104), Thailand (100), Singapore (94), Japan (56) and Republic of Korea (52). But five of those countries (Bosnia and Herzegovina, Mauritius, Sri Lanka, Thailand and Trinidad and Tobago) did not enforce the death penalty during the quinquennium covered by the survey, and Morocco had executed one person.

49. However, on the basis of information available both in the past and currently, it is known that executions covering a wide range of offences took place during the quinquennium 1989-1993 in at least 47 countries. As was the case with the fourth survey, the countries in which the greatest number of executions had been carried out in recent years did not send a reply to the fifth survey. According to the log kept by Amnesty International, there were a total of at least 13,991 death sentences and a minimum of 9,883 executions in the five years 1989 to 1993. In 1993 alone, at least 3,760 death sentences were imposed in 61 countries, and a minimum of 1,831 executions in 32 countries were noted. In this connection, it may be recalled that the Economic and Social Council, in its resolution 1989/64 of 24 May 1989, invited Member States to facilitate the efforts of the Secretary-General to gather comprehensive, timely and accurate information about the implementation of the safeguards for protection of the rights of those persons facing the death penalty and the death penalty in general. In the same resolution, Member States were urged to publish, for each category of offence for which the death penalty was authorized and if possible on an annual basis, information on the use of the death penalty, including the number of persons sentenced to death, the number of executions actually carried out, the number of persons under sentence of death, the number of death sentences reversed or commuted on appeal and the number of instances in which clemency had been granted, as well as information on the extent to which the safeguards had been incorporated into national law.

**(...continued)
of Europe Survey in 1994 that the rate of executions has been falling in that country: 31 were executed in 1992, 20 in 1993 and 8 in 1994. The Russian Federation provided figures for executions between 1991 and 1994, but none for the number of death sentences imposed, although it was reported that 298 death sentences had been reviewed, and 241 had been pardoned between 1991 and 1993, and that in September 1994, 265 appeals remained to be reviewed.

IV. PENALTIES REPLACING CAPITAL PUNISHMENT

50. For the first time, the fifth survey inquired about the penalties that had replaced the death penalty after abolition. Several trends emerged. First, it was relatively rare for the length of imprisonment to be fixed mandatorily by law, although New Zealand, for example, had made life imprisonment mandatory for former capital offences. Secondly, many countries gave the courts the discretion to pass a sentence of either imprisonment for life or a determinate number of years in prison that varied among countries but was most often for a period of between 15 and 25 years (for example, Slovakia), although terms for economic crimes formerly subject to the death penalty tended to be shorter. Thirdly, at least one country had no provision for the remission of sentences, but most allowed the shortening of the period in custody through various systems of conditional release, often after about two thirds of the penalty had been served.

V. RATIFICATION OF INTERNATIONAL INSTRUMENTS

51. Twenty-three of the 69 countries which replied to the survey had ratified the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (General Assembly resolution 44/128, annex). The obligation thus entered into was, for example, a factor in the decision of New Zealand to abolish the death penalty completely in 1989, the year in which it ratified the Second Optional Protocol. The Netherlands stated that it had ratified the Second Optional Protocol in March 1991; the former Yugoslav Republic of Macedonia had forwarded the instrument of ratification to the Secretary-General in December 1994; and Namibia reported that the Cabinet and the National Assembly had approved the accession of Namibia to the Second Optional Protocol.

52. Those which were not a party to the Second Optional Protocol were asked whether there were any official initiatives or plans to become a party to the Protocol. Among the countries which had not completely abolished the death penalty by 1993, only Bosnia and Herzegovina, Canada, Greece, Mauritius, Poland and Tonga replied to the question. All stated that no such plans existed, with the exception of Greece, which was promoting the necessary legislative procedures for the ratification of the International Covenant on Civil and Political Rights (General Assembly resolution 2200 A (XXI), annex). Croatia and the Czech Republic replied that they planned to become parties to the Second Optional Protocol.

53. Several countries also explained their policy in relation to Protocol No. 6 to the European Convention of Human Rights and Fundamental Freedoms concerning the Abolition of the Death Penalty.[3] During the period 1989-1993, Protocol No. 6 had been ratified by six of the responding countries: Czech Republic (March 1993); Finland (May 1990); Romania (June 1994); San Marino (March 1989); Slovakia (March 1992); and Slovenia (June 1994). Greece signed the Protocol in 1983, but has not yet ratified it. Cyprus stated that total abolition of the death penalty would enable it to become a party to Protocol No. 6 to the European Convention on Human Rights, as well as to the above-mentioned Second Optional Protocol.

54. Seventeen of the 22 countries in western Europe and other States which replied to the survey had already ratified, or planned to ratify, the Second Optional Protocol to the International Covenant on Civil and Political Rights. Five (France, Monaco, San Marino, Turkey and United Kingdom) had no plans in relation to the International Covenant on Civil and Political Rights, and four (Cyprus, Monaco, Turkey and United Kingdom) had no plans to accede to the Sixth Protocol to the European Convention on Human Rights. This can be compared with eastern Europe, where four countries (Hungary, Romania, Slovenia and the former Yugoslav Republic of Macedonia) ratified the Second Optional Protocol, as well as with Africa (Mozambique, Namibia and Seychelles) and Latin America (Ecuador, Panama, Uruguay and Venezuela).

VI. IMPLEMENTATION OF THE SAFEGUARDS GUARANTEEING PROTECTION OF THE RIGHTS OF THOSE FACING THE DEATH PENALTY

55. The Council, in its resolution 1984/50, approved the safeguards guaranteeing protection of the rights of those facing the death penalty on the understanding that they should not be invoked to delay or prevent the abolition of capital punishment.

56. The safeguards comprise the basic guarantees to be respected in criminal justice proceedings to ensure the rights of offenders charged with a capital offence. They state that capital punishment can be imposed only for the most serious crimes. The safeguards cover, *inter alia*, the right to benefit from lighter penalties under certain conditions and to appeal or seek pardon; exemptions from capital punishment for persons below 18 years of age, pregnant women, new mothers and persons who have become insane; necessary evidentiary requirements; and suspension of executions.

57. The Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders, in its resolution 15, invited those States retaining the death penalty to adopt the safeguards and take the necessary steps to implement them. The Seventh Congress also requested the Secretary-General to widely publicize both the safeguards and the mechanisms for their implementation.

58. Specific recommendations regarding the practical application of the safeguards were adopted by the Council in its resolution 1989/64, which also contains additional guarantees to be respected in capital cases (see annex III).

59. Some countries that were abolitionist for ordinary crimes, such as Brazil, Greece and the United Kingdom, gave no answers to the questions about safeguards on the grounds that the death penalty did not exist in reality. Others, such as Argentina, Canada, Cyprus, Israel, Malta and Mexico, answered those questions in relation to military offences, even though they were abolitionist for ordinary crimes. Retentionist countries did not distinguish between safeguards relating to ordinary crimes and those relating to military or special tribunals for trying crimes against the State and offences by military personnel. Hence, information relating to safeguards before military or special tribunals was only forthcoming from the few States which were abolitionist for ordinary crimes, and were also considered abolitionist de facto for military crimes. Japan pointed out that differences in legal systems were such that some of the questions seemed to be inappropriate "because of inconsistencies with respect to the safeguards". Mauritius, although replying to questions about the safeguards, subsequently abolished the death penalty, and therefore has been excluded from this analysis, as the answers are no longer relevant.

> Safeguard 1. "In countries which have not abolished the death penalty, capital punishment may be imposed only for the most serious crimes, it being understood that their scope should not go beyond intentional crimes with lethal or other extremely grave consequences."

60. It is not possible to list here all of the wide variety of offences, with their specific legal definitions, for which capital punishment can be imposed in the retentionist countries that responded to the survey. However, a schematic summary of such information is provided in annex IV. In this context, it is useful to distinguish the so-called common or ordinary offences from offences against the State and from offences committed under military law or in the special circumstances of wartime. In each case, the object is to see to what extent the crimes subject to the death penalty meet the criteria set out in safeguard 1, always bearing in mind that in some countries it may be very rare that persons are tried for these offences and even rarer for them to be executed.

61. The definition of the "most serious crimes" may vary in different social, cultural, religious and political contexts, but the emphasis in the safeguard on intention and on lethal or other extremely grave consequences is intended to imply that the offences should be life-threatening, in the sense that this is a very likely

consequence of the action. Indeed, the Human Rights Committee established under the International Covenant on Civil and Political Rights has laid it down that the concept of "most serious crimes" employed in the Covenant (article 6, paragraph 2) must be read restrictively to mean that the death penalty should be a quite exceptional measure.[4]

Ordinary Offences

62. Among the responding countries, there was a wide disparity in the offences that were subject to the death penalty. Twenty-five countries retained the death penalty at the end of 1995 for ordinary crimes.* In several countries capital punishment can be imposed when specific circumstances listed in the statutes have resulted in death, where the intent to kill may not have to be proved. Such circumstances include deaths resulting from using explosives, rape, kidnapping, overturning a vessel or a railroad train, hijacking aircraft, giving false testimony leading to a death sentence on, or execution of, another, abetment of suicide and, in one country, manslaughter. In 10 countries, the death penalty could be imposed at the discretion of the court for various drug-related offences associated with the cultivation, production, carrying, sale and purchase of drugs with the intent of trafficking. Some statutes mentioned the specific amounts that brought the offence within the scope of the death penalty (from 2 grams to 25 kilograms of heroin), but others did not specify a minimum quantity. As far as can be ascertained from the wording of the replies, capital punishment could be imposed for grave instances of offences not involving homicide: for rape in seven countries (especially of a minor), for kidnapping or abduction in three countries, for the hijacking of aircraft in three countries, for arson in three countries and for attempts on the life of law enforcement officers in four countries. Other offences not resulting in death which might in certain circumstances be subject to the death penalty in at least one responding country were: various economic crimes such as aggravated bribe-taking, armed robbery, use of firearms or attempting to use firearms to commit a crime, trafficking in arms, habitual robbery, habitual theft, heading a criminal organization, the abduction of a minor for ransom and offences against public order, public property, and public morals, attempted murder by a convict and adding poisonous substances to the water main.

63. It is known that the laws of many countries that did not respond to the survey contain a similarly wide range of capital crimes: in some countries considerably wider. Other crimes that are subject to the death penalty include, for example, aggravated theft, fraud, smuggling, corruption, profiteering and other economic crimes, apostasy, producing or distributing pornography, prostitution, brewing and distilling alcohol. It appears, therefore, that the death penalty can be imposed for crimes when the intent to kill may not be proven, or where the offence may not be life-threatening. This suggests a wide interpretation of both the letter and the spirit of the safeguard.

Offences against the State

64. Although in many retentionist countries capital punishment was retained for certain offences against the State, the death sentence was rarely imposed, and over the whole quinquennium only four executions for such offences were reported. In some jurisdictions, the death penalty was limited to offences of waging or attempting to wage war against the State. In others it was available for a wider range of actions that can be broadly grouped under the heading "political offences", including treason, espionage or attempting to seize power by unconstitutional means; heading or organizing an insurrectionalist movement; undermining the loyalty of the armed forces; acts of terrorism and sabotage, including destruction of or damage to buildings, railways and other State property; attempts on the life of the Head of State, other government officials or

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*Excluding Mauritius, which was retentionist in 1993 but has subsequently abolished the death penalty; but including information about the Russian Federation, which did not list offences in its reply to the current survey, but did so in its reply to the questionnaire sent by the Parliamentary Assembly of the Council of Europe in 1994 (AS/Jurs (1994) 48 of 5 September 1994).

members of foreign embassies; and disrupting the work of corrective labour institutions. Again, those countries that responded to the survey were not unique in this regard: offences against the State or State officials or involving terrorist activities are known to be punishable by death in at least 40 other countries.

65. Many of these offences appear to be broadly defined, leaving a wide discretion to prosecutors in seeking the death penalty, to the courts in imposing capital punishment and to the responsible authorities in deciding whether a convicted person should be executed. Therefore, in these cases the imposition of the death penalty may not necessarily fall within the definition set out in safeguard 1.

Military and wartime offences

66. The wide range of military offences for which the death penalty can be imposed includes mutiny; desertion; insubordination; refusal to execute an order; abandoning a post, especially by a sentry; cowardice in the face of the enemy; and many other actions in time of war or in a combat situation. The fact that many countries have abolished the death penalty for such offences shows that it is not universally regarded as a necessary means of ensuring that soldiers do their duty.

67. Several countries include under their military code offences committed against civilian populations, such as genocide, murder and the mistreatment of civilian populations and prisoners. While these are undoubtedly grave crimes, the decision of the United Nations Security Council not to include the death penalty as a possible punishment in the statutes applied by the international tribunals dealing with such offences committed in the wars in the former Yugoslavia and Rwanda should be recalled. It indicates that the death penalty is not regarded as appropriate for such crimes.

Mandatory death penalty

68. Nine of the responding countries (Armenia, Guatemala, Guinea, Jordan, Qatar, Singapore, Sri Lanka, Thailand and Trinidad and Tobago) had a mandatory death penalty for murder, or certain categories of murder, and a few of them had mandatory capital punishment for crimes which did not necessarily result in death, including offences related to drug trafficking, discharging a firearm while committing a crime, and an attempt on the life of a police officer in aggravating circumstances. Even though a mandatory death sentence can be by-passed by commutation, the existence of such laws makes it difficult if not impossible for the court to take into account a variety of mitigating or extenuating circumstances that might remove a particular offence from the category of "the most serious crimes". Mandatory death sentences exist in several other countries as well.

> Safeguard 2. "Capital punishment may be imposed only for a crime for which the death penalty is prescribed by law at the time of its commission, it being understood that if, subsequent to the commission of the crime, provision is made by law for the imposition of a lighter penalty, the offender shall benefit thereby."

69. With the exception of Israel, none of the responding countries that retained the death penalty for ordinary crimes reported that they applied the death penalty retroactively. The retrospective application of the death penalty was allowed by Israel in relation to atrocities and war crimes during the Nazi period. According to the Nazi and Nazi Collaborator's (Punishment) Law 1950, crimes against the Jewish people and crimes against humanity were punishable if committed during the Nazi regime (from 30 January 1933 to 8 May 1945) and war crimes were punishable if committed during the Second World War (from 1 September 1939 to 14 August 1945). Burundi, Guinea and the Republic of Korea did not allow an alternative penalty to be imposed on an offender sentenced to death if the death penalty was subsequently abolished.

Safeguard 3. "Persons below 18 years of age at the time of the commission of the crime shall not be sentenced to death, nor shall the death sentence be carried out on pregnant women, or on new mothers, or on persons who have become insane."*

Persons below the age of 18

70. Burundi and Morocco replied that there were no legal provisions to exempt those under 18 years of age from the death penalty.** According to the Andean Commission of Jurists, there was also no such provision in Chile. It was a mitigating factor in Burundi but not in Chile or Morocco. Under Canadian and Argentinean military law, there was no legal bar to sentencing offenders under 18 to death, although youth was a mitigating factor. In Cyprus, where no death sentences had ever been imposed under the Military Criminal Code, the minimum age for imposing a death sentence was 16; youth was not a statutory mitigating factor, but would be so considered under case law. In Thailand, the minimum age for capital punishment had been set at 20. The Special Rapporteur on extrajudicial, summary or arbitrary executions has expressed concern that death sentences have been handed down on persons who committed the offences in question when they were under 18 years of age, as well as concern that legislation should have allowed this to happen in Algeria, Pakistan and the United States (see E/CN.4/1995/61, para. 380).

Pregnant women or new mothers

71. No women who had been pregnant at time of trial were executed in any country in the quinquennium. However, Bahrain, Bangladesh, Bosnia and Herzegovina, Burundi, Egypt, Guinea, Guatemala, Japan, Jordan, Republic of Korea and Turkey replied that sentences on pregnant women or new mothers would not invariably be commuted to life imprisonment. Belarus and the Russian Federation (according to other authoritative sources) have abolished the death penalty for women completely, and a similar provision exists in the draft Criminal Code recently brought before the Armenian Parliament.

The insane

72. There were no legal provisions to prevent death sentences being carried out on a person who became insane after the commission of the offence and was still insane at the time of trial in Burundi, Canada (for military offences, but not in practice), Poland, Republic of Korea, Tonga, Trinidad and Tobago or (according to the Andean Commission of Jurists) Peru. And there were no such legal provisions for those who became insane subsequent to receiving the death sentence in Armenia, Bosnia and Herzegovina, Burundi, Egypt, Jordan, Morocco, Peru, Poland, Singapore, Sri Lanka, Qatar, Tonga or Tunisia, although seven of those countries replied that the execution would be postponed until recovery (Armenia, Bosnia and Herzegovina, Burundi, Morocco, Poland, Sri Lanka and Tonga). However, all responding countries reported that no persons who became insane after the death sentence had been imposed had been executed during the years 1989 to 1993.

The mentally retarded

73. There were no provisions in law to eliminate the death penalty for persons suffering from mental retardation or extremely limited mental competence in Canada (for military offences), Poland, Tonga, Trinidad and Tobago or Tunisia. According to the Andean Commission of Jurists, in Peru there was also no such provision. Tunisia, however, stated that in practice courts did not usually impose the death sentence

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*See also annex III, subparagraphs (c) and (d), for additional recommendations.

**Some countries appeared to have misunderstood the question. For example, one country responded that no one could be sentenced to death below the age of 18, but added that the maximum age below which a person may not be sentenced to death was 16; it was therefore impossible to interpret such replies.

on mentally retarded persons. In other countries, mental retardation was generally regarded as one of the defences to criminal responsibility that could lead to acquittal. For example, in Sri Lanka the mentally retarded may fall under the general provisions relating to unsoundness of mind. Thailand replied that such suffering was deemed as an extenuating circumstance for the reduction of a penalty in accordance with the Penal Code of Thailand. In Egypt, article 62 of the Egyptian Penal Code provided that loss of senses and faculty of reasoning at the time of commission of the crime due to either insanity or mental ailment was considered preclusive of punishment in general. Similarly, Guinea stated that such persons were treated in the same way as the cases of mentally ill persons, who were not responsible for their criminal actions. In Turkey, however, it was a mitigating factor leading to life imprisonment, while in the Ukraine, the person might be compelled to undergo medical treatment.

74. It is difficult to interpret these answers because there is no standard definition of mental retardation and no indication of how severe it must be to lead to acquittal. For instance, in the reply from Belarus, it was stated that only persons who had been declared sane (i.e. capable of understanding and controlling their actions) might be criminally prosecuted. Similarly, the test applied in the Republic of Korea was that a person would not be punishable if, because of mental disorder, he or she is unable to make discriminations or to control his or her will. Thus, if mentally retarded persons or persons with limited mental faculties were aware of the significance of their actions and were able to control them, they would be liable in the manner provided for by the law in the same way as others. In this regard, the Special Rapporteur on extrajudicial, summary or arbitrary executions has noted allegations that in the United States, death sentences have been imposed and carried out on defendants who were said to suffer from mental retardation, and has also noted that he had received an allegation concerning one such case in Japan (see E/CN.4/1995/61, para. 380).

Maximum Age

75. Guatemala and Mexico (for military offences) reported that the maximum age beyond which a person could not be sentenced to death or executed was 60 years.

> Safeguard 4. "Capital punishment may be imposed only when the guilt of the person charged is based on clear and convincing evidence leaving no room for an alternative explanation of the facts."

76. No retentionist country reported having specific laws of evidence or evidentiary requirements for trials involving offences for which the death penalty could be imposed. However, all countries stated that their rules of evidence and procedures provided sufficient safeguards; evidence must be examined in court and the facts of the case against the defendant established beyond reasonable doubt, or truly and fully, as stated in the reply from Bosnia and Herzegovina. Egypt stated that it requires certitude and certainty stemming from conclusive evidence attributing the act to the accused, the death penalty in particular having to be passed by unanimous opinion after consultation with the Mufti of the Republic (the official responsible for delivering legal opinions) on the legality of the sentence in accordance with the provisions of the Islamic Sharia. And Japan insisted that very strict fact-finding was required for crimes punishable with the death penalty. Four countries reported that death sentences in the quinquennium had been overturned or commuted because of doubts about guilt: Sri Lanka; Bangladesh (where four had been overturned or commuted by the President and 37 by the Supreme Court); Ukraine (where as many as 41 capital sentences had been reversed); and Singapore (where six persons had their death sentences commuted, and one was acquitted by the Appellate Court).

> Safeguard 5. "Capital punishment may only be carried out pursuant to a final judgement rendered by a competent court after legal process which gives all possible safeguards to ensure a fair trial, at least equal to those contained in article 14 of the International Covenant on Civil and Political

Rights, including the right of anyone suspected of or charged with a crime for which capital punishment may be imposed to adequate legal assistance at all stages of the proceedings."*

77. Bosnia and Herzegovina (which can be regarded as abolitionist de facto) stated that, although such an instance had not yet occurred, the possibility existed for persons to be executed before the case had received a final judgement from a legally competent authority. Also, there was no guarantee of a fair and public hearing in every case because the Court council might at any time exclude the public for the entire legal process or part of it if that were necessary to preserve secrecy, public order, the moral interest of persons under age or other special interests, nor did the defendant have a right to defend himself or herself in person.

78. All other responding countries that retained the death penalty affirmed that capital punishment could only be carried out pursuant to a final judgement rendered by a competent court through legal process at which a fair and public hearing was guaranteed, the defendant having been informed of the nature of the charge and the evidence against him or her, and having had adequate time and facilities to prepare his or her defence, examine witnesses, obtain witnesses on his own behalf under the same conditions, including financial conditions, as the prosecution witnesses against him, and (with the exception of Bahrain) being presumed innocent until proven guilty.

79. However, the answers to the question whether defendants facing the death penalty were compelled to testify against themselves or confess guilt were hard to interpret. Bangladesh and Bosnia and Herzegovina reported that defendants could be compelled to testify in the witness box and to confess guilt. In Bangladesh, the Criminal Procedure Code requires that the accused be examined so as to enable him to explain each and every circumstance in the evidence against him. Similarly, in Jordan, the accused is required to present evidence in his defence. In Guinea the practice was said to be that the accused and witnesses appear freely and, after due hearings of the parties, testify at a public hearing. And while in Bahrain the accused might be compelled to testify against himself, such testimony or a confession could be taken only if there was nothing that would invalidate it and it was free of any coercion or doubt.

80. In most countries, ordinary crimes under the criminal law that carry the death sentence were heard in the highest criminal courts or the Supreme Court. But in Jordan they were heard in regular courts; in Japan and in the Republic of Korea in District Courts as well as the High or Supreme Court; in Poland they were heard first in county courts by a bench of two professional and three lay judges; in Belarus in the Supreme Court or in the regional courts or the Minsk Municipal Court; and in Ukraine in regional courts. In several countries, special courts or military tribunals dealt with offences against the State. In Turkey, such offences were heard in courts of national or State security rather than the assize courts, and in Guatemala, some cases that had led to execution had apparently been dealt with by special military tribunals, even though they had not been finally judged in a court of appeal or by the Supreme Court of Justice. In Bangladesh, death sentences handed down by the Court of Sessions or special tribunals had to be confirmed by the Honourable High Court. It should be noted that not all responding countries provided information on procedures and safeguards before special or military tribunals. In this regard, the Special Rapporteur on extrajudicial, summary or arbitrary executions has reported that in a number of cases defence lawyers have had only limited access to their clients, and the time allowed for preparation of the defence has not been adequate. Furthermore, he expressed concern about the possibility that military tribunals might not be impartial and independent, and about the lack of the effectiveness of review procedures (see E/CN.4/1994/7, paras. 255-256).

81. Although all countries reported that adequate time and facilities were available for the preparation of the defence, no specific periods appear to be laid down in law, with the exception of Bosnia and Herzegovina, where the summons with the indictment must be given to the indicted so that there is enough

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*See also annex III, paragraph 2 (a) for an additional recommendation.

time between the main process and the delivery to prepare the defence (at least eight days). Also, while most countries, with the exception of Peru (according to the Andean Commission of Jurists), Singapore and Sri Lanka, stated that there was a right to be tried without undue delay, that right was not specifically defined in either law or regulations, except again in Bosnia and Herzegovina, where the President of the Court Council was obliged to fix the time of the main process in the period of two months from the day of the receipt of the summons, at the latest. In Ukraine, the case must be brought up for hearing by the court not more than 10 days (in the event of complications, not more than 20 days) after the day it was submitted to the court. In Trinidad and Tobago the preliminary hearing must be held within 10 days and the High Court hearing within a year, although extensions are always possible. In Bangladesh, the trial in the Court of Sessions had to be completed within 360 working days from the date on which the case was received. Nevertheless, under the Curbing of Terrorist Activities Act 1992, investigations of such offences have had to be completed within 30 (exceptionally 45) days and that the trial, held before a special tribunal, has had to be completed within 60 (exceptionally 90) days.

82. While all responding countries claimed that the defendant could communicate with a counsel of his own choosing, in practice there were restrictions in some countries. In Poland, the Code of Criminal Procedure allowed, in special circumstances, for the prosecutor or a person designated by him to be present during the conference between the lawyer and his client, a provision that, according to the reply, had been strongly criticized. Every country but Tonga, where there were no legal aid finance packages, provided a right to legal assistance for trial and appeals, without payment if the defendant did not have sufficient means to pay for it. What this meant in practice was rarely specified, but in Trinidad and Tobago legal assistance was available for those earning up to 4,500 dollars per annum, although it appears that no assistance was available to cover the costs of defence witnesses. A few countries gave the amount of assistance available. For example, in Ukraine, the amount paid per day to a court-appointed lawyer was the standard minimum wage. There was, in every country except Poland, free assistance of an interpreter for persons who could not understand or speak the language used in court. In Poland, an interpreter was mandatory when the defendant was under interrogation, but in court the defendant was only given a translation of the charge, indictment and other decisions. Poland reported that those provisions had been criticized for not protecting sufficiently the right to defence of such a person.

83. In Israel, there were no specific provisions regarding many of the issues in question because, although the law provided for capital punishment in rare cases, in fact a death sentence had been imposed in Israel only once. Due to the special and particular subject-matter of the relevant laws, questions such as those on the safeguards were practically irrelevant and a yes/no answer did not give an accurate and full response. While in order to convict a person, the court must find that person guilty beyond any reasonable doubt, nevertheless John Ivan Demjanjuk was sentenced to death on 18 April 1988. On 29 July 1993, his sentence was overturned by the Supreme Court of Israel after the court examined exceptionally admitted and newly discovered evidence at the appeals stage, and held that that evidence created the possibility of a reasonable doubt as to the identification of J. I. Demjanjuk as "Ivan the Terrible".

84. In this regard it is especially worth noting that alarming reports were received in 1993 and in 1994 by the United Nations Special Rapporteur on extrajudicial, summary or arbitrary executions about legislation and practice leading to the imposition and execution of death sentences where the defendants did not fully benefit from these guarantees and safeguards (see E/CN.4/1994/7, para. 680 and E/CN.4/1995/61, para. 376).

> Safeguard 6. "Anyone sentenced to death shall have the right to appeal to a court of higher jurisdiction, and steps should be taken to ensure that such appeals shall become mandatory."

85. Every responding country* guaranteed the right of appeal against a death sentence. However, the time allowed to make such an appeal varied considerably, 3 days in Guinea, 5 in Mexico (military law), 7 in Armenia, Bangladesh, Belarus, Turkey and Ukraine, 8 in Morocco, 10 in Guatemala and Tunisia, 14 in Japan, Poland, Republic of Korea, Singapore, Sir Lanka and Trinidad and Tobago (28 if a court martial), 15 in Bosnia and Herzegovina and Jordan, 21 in Mauritius, 30 in Bahrain and Burundi, 30-31 in Thailand and 60 in Tonga.

86. Death sentences were automatically reviewed in Bahrain, Bangladesh, Bosnia and Herzegovina, Guatemala, Jordan, Peru (according to the Andean Commission of Jurists), Poland, Qatar, Republic of Korea, Tunisia, Turkey and Ukraine but not in the following countries, where the defendant had to initiate the process: Armenia (although in practice cases are reviewed for purposes of pardon), Belarus, Burundi, Canada (under military law), Chile (according to the Andean Commission of Jurists), Guinea, Japan, Mauritius, Morocco, Singapore, Sri Lanka (although in Sri Lanka the prison authorities are obliged by law to assist all prisoners in lodging an appeal against their sentence), Tonga and Trinidad and Tobago. In none of these countries were there any initiatives or plans to make the appeal automatic.

> Safeguard 7. "Anyone sentenced to death shall have the right to seek pardon, or commutation of sentence: pardon or commutation of sentence; may be granted in all cases of capital punishment."**

87. This safeguard was guaranteed in every country that responded to the survey. There was, however, a limitation of time for preparing a petition for pardon or clemency in Guinea (3 days), Bangladesh and Ukraine (7 days), Guatemala (8 days), Tonga (60 days, any further petitions must be lodged as soon as possible) and Singapore (three months following dismissal of an appeal). The Criminal Procedure of Thailand laid down that the execution should be carried out within 60 days of the final judgement, except where a petition of pardon was applied for; in that case, the execution should be suspended until after the expiration of 60 days from the date on which the Minister of the Interior submitted the petition to the King. In Egypt, the sentence was executed if no order for pardon or commutation was issued within 14 days. In the Russian Federation, there is a Commission on Pardons under the President of the State. The Commission does not grant pardons, but submits recommendations to the President who personally takes the final decision. It was reported that in only 2 of 346 petitions for pardon dealt with between 1992 and 1994 did the President disagree with the recommendation of the Commission on Pardons.

> Safeguard 8. "Capital punishment shall not be carried out pending any appeal or other recourse procedure or other proceeding relating to a pardon or commutation of sentence."

88. All the respondents stated that execution was invariably delayed until all appeal, recourse, pardon and clemency proceedings had been exhausted, although Armenia reported that there were no legal requirements to do so. However, not all countries stated categorically that the outcome was communicated - presumably in good time - to the defendant and his or her legal advisers. The executions could only be carried out by written authority following consideration of appeals and clemency. For example, in Tonga they could be carried out only when signed and assented to by the Judicial Committee of the Privy Council in London, the last avenue of appeal.

89. This might not always be the case, however. For example, the reply from Trinidad and Tobago stated that capital punishment could not be carried out until all appeal procedures had been completed. Nevertheless, the Special Rapporteur on extrajudicial, summary or arbitrary executions expressed his most

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*Egypt, however, did not answer the question, and Argentina, whose military law provides no right to appeal unless there has been violation of the law, specified that in such cases it was possible to apply for judicial review.

**See also annex III, paragraph 2 (b) for an additional recommendation.

profound concern at the clear violation of the right to life when Glen Ashby was executed on 14 July 1994 in Trinidad and Tobago while appeal procedures were still pending (see E/CN.4/1995/61, para. 382).

> Safeguard 9. "Where capital punishment occurs, it shall be carried out so as to inflict the minimum possible suffering."

90. The methods of execution reported were hanging (15 countries for ordinary crimes) and shooting by firing squad (13 countries for ordinary crimes and six for military crimes). In none of the responding countries was the offender given a choice of method of execution, and only four countries said that consideration was given to minimizing the suffering of the offender, although the examples given related usually to the technical aspects of the process. For instance, Trinidad and Tobago referred to the care taken to ensure that the stretch and length of the rope related to the body weight of the offender in accordance with the official scale/equation. In Burundi, Chile (according to the Andean Commission of Jurists) and Guinea,* public executions were allowed, although in Burundi no executions had been carried out since 1982. Under Argentine military law, the condemned could be shot in public, but there were no executions in the five years 1989-1993.

VII. DISSEMINATION OF THE SAFEGUARDS GUARANTEEING PROTECTION OF THE RIGHTS OF THOSE FACING THE DEATH PENALTY

91. Armenia, Bangladesh, Burundi, Japan, Jordan and Singapore stated that there were no legal provisions to ensure the systematic dissemination of the United Nations safeguards guaranteeing protection of the rights of those facing the death penalty. However, Armenia stated that persons in the criminal justice system are being familiarized with the safeguards through instruction, letters, seminars etc. Bahrain, Bangladesh, Japan, Jordan and Singapore stated or implied that existing domestic legislation and regulations already safeguarded the rights of those facing the death penalty and were known by all concerned with the administration of criminal justice. There was therefore no need to promulgate the safeguards specifically. Other countries that responded to the question replied that the safeguards were known in so far as they were incorporated in domestic legislation and regulations or published in official gazettes. For example, Egypt replied that the safeguards were contained in its Criminal Procedure Law and the law relating to the organization of prisons and were published in the Official Gazette, which ensured that all relevant persons were informed, as established in Council resolution 1989/64. Trinidad and Tobago and Tunisia stated that publications relating to the safeguards were disseminated to the competent authorities, including in training programmes for judges, lawyers, prison staff and security officials. Thailand commented that during the curriculum of training courses for correctional staff at all levels, every rule and regulation would be explained; correctional staff had to perform their duties according to proper rules and regulations. Armenia and Japan replied similarly.

92. Bahrain, Belarus, Bosnia and Herzegovina, Burundi, Guatemala, Peru (according to the Andean Commission of Jurists) and Singapore apparently had no provisions to ensure that defendants or their legal representatives were aware of the safeguards or of corresponding provisions in domestic legislation, nor did they have any plans to set up an adequate system. Bangladesh asserted that persons facing the death penalty were made fully aware of the safeguards through their legal representatives, i.e. their defence counsel. Guinea stated that at all stages of proceedings - before the examining judge, in the *Chambre d'accusation* and before the Chief Justice of Appeals - the accused was informed of the charges and the relevant safeguards. Other countries remarked that the safeguards were already sufficiently well known in domestic law. Thailand noted that persons were protected because, whether or not a person sentenced to death appealed, the verdict must be sent to the Supreme Court for confirmation. Material relating to the safeguards would, if necessary, be translated into Thai and disseminated to the officials concerned.

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*But only for certain offences subject to capital punishment.

VIII. RESEARCH AND STUDIES

93. Five replies were received to the request for information about research on the death penalty. The Andean Commission of Jurists mentioned a publication on the situation in Peru entitled *For Life, Against the Death Penalty* and France reported a doctoral thesis in progress under the aegis of the *Groupement Européean de Recherches sur les Normativités* at its Ministry of Justice. Slovakia answered in the affirmative but gave no examples. Bahrain stated that governmental action was being taken, but did not specify what this meant. Similarly, the Republic of Korea reported that the Ministry of Justice, as mentioned in paragraph 32 above, is studying and considering the reduction of the scope of the death penalty, but no governmental action was being taken to promote research. Poland and Japan mentioned public opinion polls. In Japan the findings of a public opinion poll concerning crime and punishment, carried out by the office of the Prime Minister, had been published. However, no other country reported governmental action directed to the promotion of research in this field. The paucity of information elicited on this subject in the fifth survey is in marked contrast with the large amount of information elicited in the fourth survey,[5] largely because most research and writing on the death penalty is done in the United States, which did not respond on this occasion.

IX. CONCLUDING REMARKS

94. It should be recognized that the results analysed in the present report are based on replies received from just over a third of the Member States of the United Nations. Furthermore, those countries that responded were either weighted heavily towards those which had dispensed with the death penalty or were favourably disposed to abolition (i.e. 61 per cent of the abolitionist countries responded, 43 per cent of abolitionist de facto and only 17 per cent of the retentionist countries). It is also difficult to draw conclusions by comparing the results of the fifth survey to those of previous surveys, because a number of countries that have replied in the past did not respond on this occasion. Nevertheless, the picture that emerges is that an unprecedented number of countries have abolished or suspended the use of the death penalty.

95. The trend towards an increased pace of abolition was already noted in the fourth survey, 11 countries having abolished the death penalty since 1984 (six in the period 1984-1988 and five in 1989-1990), as compared with only three during the period 1979-1983 (see Report of the Secretary-General on capital punishment E/1990/38/Rev.1, para. 59). The replies of the 69 countries which responded to the fifth survey show that, since 1989, 14 countries have abolished capital punishment and seven more have become abolitionist de facto, although one abolitionist de facto country resumed executions in 1994. Only 12 countries for which information was received had in recent years carried out any executions (plus one more in 1994 and one in 1996), and most of those were apparently very sparing in their use of this sanction.

96. When combined with readily available information on the countries that did not respond, the pace of change may be seen to have been quite remarkable. In the years since 1989, 25 countries have abolished the death penalty, 23 of them for all crimes whether in peacetime or in war. However, it should be noted that the movement towards abolition is not uniformly widespread. For example, it is more prevalent in Europe, including eastern Europe, and in South America than it is elsewhere. It should also be noted that capital punishment has been re-introduced in four countries since 1989, and at least two countries that were formerly abolitionist de facto have resumed executions. Furthermore, several countries have expanded the scope of the death penalty as a reaction to perceived upsurges in serious crime and national crises affecting internal security. If the surveys are to be of value in the future as indicators of the extent to which the death penalty is employed, it will be necessary to find a means of encouraging far more of the retentionist countries to reply to the request of the Secretary-General for information.

97. The replies to questions on the safeguards for protection of the rights of those persons facing the death penalty have raised a number of problems. First, it appears that the definition employed in safeguard 1, which concerns the class of crimes to which capital punishment should be restricted, has been widely

interpreted so as to include offences without intentional lethal consequences, various political offences and offences relating to military discipline. Second, mandatory death sentences that provide no leeway for mitigating circumstances exist in a number of countries: the Economic and Social Council may wish to consider this issue in order to find appropriate remedies. Third, a specific safeguard for politically motivated offences against the State and military offences might be desirable. Fourth, it is apparent that the wording of the new guarantee concerned with those suffering from mental retardation* may not be effective; consideration may need to be given to providing a clearer definition of mental retardation. Finally, as has been stressed repeatedly by the Special Rapporteur on extrajudicial, summary or arbitrary executions, it is particularly important to monitor closely the implementation of those safeguards relating to fair trial since it is apparent that they may not always be applied in practice, especially when recourse is made to military or special tribunals at times of perceived national crises or emergencies.

98. In this context, the replies to questions concerning the dissemination of the safeguards may also appear unsatisfactory. Little if any action seems to have been taken to give the safeguards prominence in their own right or to communicate them to all the parties who might be concerned in capital cases. Instead, countries have relied upon the communication of their own laws and procedures, some of which may not give sufficient emphasis to safeguards.

99. Little information was provided on what has been done to promote research in this field, and thus to establish a sounder factual basis for policy concerning the case for retaining or abolishing the death penalty, or to ensure that the conditions under which the death penalty is being imposed meet the internationally agreed standards. Those countries that reported abolishing the death penalty during this period, either entirely or for certain offences, nearly all emphasized that they had done so on the basis of an appeal to human rights - the right to life - and that capital punishment was not in keeping with modern ideas on how best to deal effectively with crime.

Notes

[1] *Official Records of the General Assembly, Thirty-seventh Session Supplement No. 40* (A/37/40), annex V.

[2] See *Amnesty International Report 1993*, p. 206.

[3] *European Treaty Series*, No. 114.

[4] See *Official Records of the General Assembly, Thirty-seventh Session, Supplement No. 40*, annex V, para. 7.

[5] See Roger Hood, "The death penalty: a world-wide perspective", a report to the United Nations Committee on Crime Prevention and Control, *The International Review of Criminal Policy*, special issue, vol. 38 (Oxford University Press, 1989).

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*See Economic and Social Council resolution 1989/64, paragraph 1 (d).

Annex I

TABULAR OVERVIEW OF RESPONSES TO THE FIFTH SURVEY

Table 1. Responding countries that are abolitionist for all crimes: dates of abolition, last death sentence, last execution and changes reported

Country	*Date of abolition*	*Date of abolition for ordinary offences*	*Date of last sentence*	*Date of last execution*	*Changes reported*
Africa South of the Sahara					
Cape Verde	..	..	..	1835	
Namibia	1990	..	..	1988	Capital punishment prohibited by new Constitution on attaining independence in 1990
Sao Tome and Principe	1990	..	..	-	Death penalty abolished for military offences in 1990
Latin America and the Carribean					
Bolivia	..	..	1986	1974	
Colombia	1910	..	1909	1909	
Ecuador	1897	..	..	..	
Panama	..	..	..	1903	
Paraguay	1992	..	1917	1917	Capital punishment abolished for all offences without distinction under new Constitution in 1992
Uruguay	1907	..	..	..	
Venezuela	1863	..	..	..	
Eastern Europe					
Croatia	1990	..	..	..	Capital punishment abolished for all offences under the Constitution in 1990
Czech Republic	1990	..	1989	1989	Capital punishment abolished for all offences in 1990 by vote of the Parliament of the former Czechoslovakia; came into effect in July 1990 after formation of Czech Republic
Romania	1990	..	1989	1989	Capital punishment abolished for all offences in 1990 by decree law due to public opinion and the collapse of the Communist dictatorship

Country	*Date of abolition*	*Date of abolition for ordinary offences*	*Date of last sentence*	*Date of last execution*	*Changes reported*
Slovakia	1990	..	1988	1989	Capital punishment abolished for all offences in 1990 by vote of the Parliament of former Czechoslovakia; came into effect in July 1990 after formation of Slovakia
Slovenia	1991	..	..	1959	Capital punishment prohibited by new Constitution in 1991; adopted after attaining independence
The former Yugoslav Republic of Macedonia	1991	..	1987	1988	Capital punishment prohibited by new Constitution adopted in 1991 after attaining independence; new Criminal Code adopted in 1994
Western Europe and other countries					
Australia	1984	1984	..	1967	
Austria	1968	1950	..	1950	
Denmark	1978	1930	..	1950	
Finland	1972	1949	1946	1944	
France	1981	..	..	1977	
Germany	1949/87[a]	..	..	1949	
Iceland	1928	..	..	1830	
Luxembourg	1979	..	..	1949	
Monaco	1962	..	..	1847	
Netherlands	1983	1870	..	1952	
Norway	1979	1905	..	1948	
Portugal	1976	1867	..	1847	
San Marino	1865	1848	..	1468	
Spain	1995	1978	1975	1975	In November 1994, bill presented to the Spanish Congress to abolish capital punishment under the Military Penal Code; bill accepted by all parties in April 1995 and to become law after its official publication
Sweden	1973	1921	..	1910	
Switzerland	1992	1937	1945	1945	

Note: Two dots (..) indicate that data are not available.

[a] Death penalty abolished in the former Federal Republic of Germany in 1949 and in the former German Democratic Republic in 1987. Last execution in the former in 1949; date of the last execution in the latter not known.

Table 2. Responding countries that are abolitionist for ordinary crimes only: dates of abolition, last death sentence, last execution and changes reported

Country	*Date of abolition for ordinary offences*	*Date of last death sentence*[a]	*Date of last known execution*	*Changes reported*
North Africa and Middle East				
Israel	1954	1962/ ..	1962/ ..	
Latin America and the Caribbean				
Argentina	1984	.. / ..	.. / ..	
Brazil	1979	.. / ..	1855[b]	
Mexico	..	.. / ..	1937[b]	
Peru	1979	.. / ..	1979[b]	Death penalty extended for terrorism and treason (offences against the State) in 1993 under the Constitution following a national referendum, but no provisions established in penal law
North America				
Canada	1976	.. / ..	1962/1944	
Western Europe and other countries				
Cyprus	1983	1978/never	1962/never	
Greece	1993	1991/1960	1972/1962	Death penalty abolished under ordinary criminal law in 1993. A law providing for the abolition of capital punishment under military law during peacetime expected to be passed soon
Malta	1971	.. / ..	1943/ ..	Capital punishment abolished in 1990 under military law for offences committed during peacetime
United Kingdom of Great Britain and Northern Ireland	1965[c]	1964/..	1964/..	

Note: Two dots (..) indicate that data are not available.

[a] Ordinary/military.

[b] Last known execution, type of offence not known.

[c] Capital punishment abolished in Northern Ireland in 1973.

Table 3. Responding countries that are or were retentionist: number of death sentences imposed, number of executions, type of offences and number of persons remaining under death sentence as of 31 December 1993

Country	*Last death sentence/ execution*	*Number of persons sentenced*[a]			*Number of persons executed*[a]			*Type of offence*[b]		*Number remaining under death sentence in December 1993*		
		Total	*Male*	*Female*	*Total*	*Male*	*Female*	*Sentence*	*Executions*	*Total*	*Male*	*Female*
North Africa and Middle East												
Bahrain	1977/1977	0	0	0		0	0	0	0	0	..	..
Egypt	1994/1994	..	..	..	..	..	..	..	..	..	..	..
Jordan	1995/1995	29	27 (4)	2	29	27 (4)	2	25P,4M	25P,4M	..	..	
Morocco	1994/1993	76	74 (16)	2 (1)	1	1	0	76P	1P	203	195	8
Qatar	.. / ..	..	..	..	..	..	..	..	..	..	..	..
Tunisia	1994 /1991	..	..	..	..	..	..	..	..	..	..	..
Africa south of the Sahara												
Burundi	1993/1982	133	..	..	0	0	0	..	0	..	..	..
Guinea	1994/1983	7	7	0	0	0	0	7P	0	7	7	0
Mauritius	1993/1987	9	7	2	0	0	0	9D	0	4	2	2
Asia and the Pacific												
Bangladesh	1993/1993	135	134	1	18	18	0	126P,8S,1D	9P, ..	337	336	1
Japan	1993/1993	28	26	2	8	8	0	28P	8P	56	53	3
Republic of Korea	1995/1995	63	59	4	39	39	0	63P	39P	52	49	3
Singapore	../..	140	133	7	4	..	..	53P,2PR,85D	..	94	87	7
Sri Lanka	1994/1976	423	409	14	0	0	0	416P,7D	0	120	115	5
Thailand	1995/1987	412	409 (1)	3	0	0	0	273P,54PR,84D,1M	0	100	..	..
Tonga	1982/1982	0	0	0	0	0	0	0	0	0	0	0

Continued

Table 3 (*continued*)

Country	Last death sentence/ execution	Number of persons sentenced[a]			Number of persons executed[a]			Type of offence[b]		Number remaining under death sentence in December 1993		
		Total	*Male*	*Female*	*Total*	*Male*	*Female*	*Sentence*	*Executions*	*Total*	*Male*	*Female*
Latin America and the Caribbean												
Chile	1992/1985	5	5	0	0	0	0	5P	..	0	0	0
Guatemala	1992/1983	..	..	..	0	0	0	..	0	..	..	..
Trinidad and Tobago	1995/1994	76	75	1	0	0	0	76P	0	104	103	1
Eastern Europe												
Armenia	1995/1991	..	..	..	..	..	..	..	..	..	..	..
Belarus	1994/1994	89	89	0	..	..	..	89P	..	..	..	..
Bosnia and Herzegovina	1993/1975	11	11 (4)	0	0	0	0	4P,4PR,3A	0	4	..	..
Poland	1992/1988	1	1	0	0	0	0	1P	0	0	0	0
Russian Federation	.. /1994	..	..	..	21[c]	..	..	..	..	..	..	..
Ukraine	1994/1994	494	494	0	..	..	..	485P,4S,5A	..	..	..	..
Western Europe												
Greece	1991/1972	10	10	0	0	0	0	10P	0	0	0	0
Turkey	../1984	2	2	0	0	0	0	2P	0	..	..	..

Note: Two dots (..) indicate that data are not available.

[a] Persons aged 18 or above; sentences imposed by military courts in parentheses.

[b] P = against person; PR = against property; S = against the State; D = drugs offences; A = other offences.

[c] Figure refers to the period 1991-1993.

Annex II

SUPPLEMENTARY DATA AND TABLES*

Table 1. Status of capital punishment in December 1995: countries that were retentionist[a]

Afghanistan
Albania
Algeria
Antigua and Barbuda
Armenia
Azerbaijan
Bahamas
Bahrain
Bangladesh
Barbados
Belarus
Belize
Benin
Botswana
Bulgaria
Burkina Faso
Cameroon
Chad
China
Cuba
Democratic People's Republic of Korea
Dominica
Egypt
Equatorial Guinea
Eritrea
Estonia
Ethiopia
Gabon
Georgia
Ghana
Grenada
Guyana
India
Indonesia
Iran (Islamic Republic of)
Iraq
Jamaica
Japan
Jordan
Kazakstan
Kenya
Kuwait
Kyrgyzstan
Lao People's Democratic Republic
Latvia
Lebanon
Lesotho
Liberia
Libyan Arab Jamahiriya
Lithuania
Malawi
Malaysia
Mauritania
Mongolia
Morocco
Myanmar
Nigeria
Oman
Pakistan
Poland
Qatar
Republic of Korea
Russian Federation
Saint Kitts and Nevis
Saint Lucia
Saint Vincent and the Grenadines
Saudi Arabia
Sierra Leone
Singapore
Somalia
Sudan
Swaziland
Syrian Arab Republic
Tajikistan
Thailand
Trinidad and Tobago
Tunisia
Turkmenistan
Uganda
Ukraine
United Arab Emirates
United Republic of Tanzania
United States of America
Uzbekistan
Viet Nam
Yemen
Yugoslavia
Zaire
Zambia
Zimbabwe

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*The countries or territories listed retain the death penalty for ordinary crimes. Most of them are known to have carried out executions during the past 10 years. For some countries, however, it is difficult to ascertain whether or not executions have in fact been carried out.

[a] Total of 90 countries.

Table 2. Status of capital punishment in December 1995: countries and territories that were completely abolitionist[a]

Country or territory	*Date of abolition*	*Date of abolition for ordinary crimes*	*Date of last execution*
Andorra	1990	..	1943
Angola	1992	..	..
Australia	1984	1984	1967
Austria	1968	1950	1950
Bolivia	..	..	1974
Cambodia	1989	..	..
Cape Verde	1981	..	1835
Colombia	1910	..	1909
Costa Rica	1877	..	..
Croatia	1990	..	..
Czech Republic	1990	..	1989
Denmark	1978	1930	1950
Dominican Republic	1966	..	..
Ecuador	1906	..	..
Finland	1972	1949	1946
France	1981	..	1977
Germany	1949/1987[b]	..	1949
Guinea-Bissau	1993	..	1986
Haiti	1987	..	1972
Holy See	1969	..	..
Honduras	1956	..	1940
Hungary	1990	..	1988
Iceland	1928	..	1830
Ireland	1990	..	1954
Italy	1994	1947	1947
Kiribati	..	..	[c]
Liechtenstein	1987	..	1785
Luxembourg	1979	..	1949
Marshall Islands	..	..	[c]
Mauritius	1995	..	1987
Micronesia (Federated States of)	..	..	[c]
Monaco	1962	..	1847
Mozambique	1990	..	1986
Namibia	1990	..	1988
Netherlands	1983	1870	1952
New Zealand	1989	1961	1957
Nicaragua	1979	..	1930
Norway	1979	1905	1948
Palau	..	..	..
Panama	..	..	1903
Paraguay	1992	..	1917
Portugal	1976	1867	1847
Republic of Moldova	1995	..	..
Romania	1990	..	1989
San Marino	1865	1848	1468
Sao Tome and Principe	1990	..	[c]
Slovakia	1990	..	1989
Slovenia	1991	..	1959

Country or territory	*Date of abolition*	*Date of abolition for ordinary crimes*	*Date of last execution*
Solomon Islands	..	1966	[c]
South Africa[d]	1995	..	1989
Spain	1995	1978	1975
Sweden	1973	1921	1910
Switzerland	1992	1937	1945
The former Yugoslav Republic of Macedonia	1991	..	1988
Tuvalu	..	..	[c]
Uruguay	1907	..	..
Vanuatu	..	..	[c]
Venezuela	1863	..	..

Note: Two dots (..) indicate that data are not available.

[a] Total of 58 countries and territories.

[b] The death penalty was abolished in the Federal Republic of Germany in 1949 and in the German Democratic Republic in 1987. The last execution in the Federal Republic of Germany was in 1949, the date of the last execution in the German Democratic Republic is not known.

[c] No executions since independence.

[d] In June 1995 the Supreme Court of South Africa ruled that the death penalty violated the Constitution. It is a moot point as to whether this judgement would apply to the offence of treason committed in time of war. This possibility was referred to by the Court, but no argument was heard on it. Amnesty International has therefore listed South Africa as abolitionist for ordinary crimes only, but it would seem that the intention of this judgement was to make South Africa totally abolitionist.

Table 3. Status of capital punishment in December 1995: countries that are abolitionist for ordinary crimes only[a]

Country	*Date of abolition for ordinary crimes*	*Date of last execution*
Argentina	1984	..
Brazil	1979	1855
Canada	1976	1962
Cyprus	1983	1962
El Salvador	1983	1973
Fiji	1979	1964
Greece	1993	1972
Israel	1954	1962
Malta	1971	1943
Mexico	..	1937
Nepal	1990	1979
Peru	1979	1979
Seychelles	..	[b]
United Kingdom of Great Britain and Northern Ireland	1965[c]	1964

Note: Two dots (..) indicate that data are not available.

[a] Total of 14 countries.

[b] No executions since independence.

[c] Capital punishment abolished in Northern Ireland in 1973.

Table 4. Status of capital punishment in December 1995: countries that can be considered abolitionist de facto[a,b]

Country	*Date of last execution*
Bahrain	1977
Belgium	1950
Bhutan	1964
Bosnia and Herzegovina	1975
Brunei Darussalam	1957
Burundi	1982
Central African Republic	1981
Chili	1985
Comoros	[c]
Congo	1982
Côte d'Ivoire	..
Djibouti	[c]
Gambia	..
Guatemala	1983
Guinea	1983
Madagascar	1958
Maldives	1952
Mali	1980
Nauru	[c]
Niger	1976
Papua New Guinea	1950
Philippines	1976
Rwanda	1982
Samoa	[c]
Senegal	1967
Sri Lanka	1976
Suriname	1984
Togo	..
Tonga	1982
Turkey	1984

Note: Two dots (..) indicate that data are not available.

[a] Countries that retain the death penalty for ordinary crimes but have not executed anyone during the last 10 years or more. In keeping with the system of classification used in the quinquennial reports on capital punishment, those countries can be considered abolitionist de facto in that they have not carried out executions for the last 10 years or more. However, death sentences have continued to be imposed in some countries, and not all of them have a policy of regularly commuting death sentences.

[b] Total of 30 countries.

[c] No executions since independence.

Table 5. Countries that have abolished capital punishment since 1980[a,b]

		Offences for which capital punishment was abolished	
Country	*Year*	*All offences*	*Ordinary offences*
Cape Verde	1981	x	
France	1981	x	
Netherlands	1982	x	
Cyprus	1983		x
El Salvador	1983		x
Argentina	1984		x
Australia	1984	x	
Haiti	1987	x	
Liechtenstein	1987	x	
Cambodia	1989	x	
New Zealand	1989	x	
Andorra	1990	x	
Croatia	1990	x	
Czech Republic	1990	x	
Hungary	1990	x	
Ireland	1990	x	
Mozambique	1990	x	
Nepal	1990		x
Namibia	1990	x	
Romania	1990	x	
Sao Tome and Principe	1990	x	
Slovakia	1990	x	
Slovenia	1991	x	
The former Yugoslav Republic of Macedonia	1991	x	
Angola	1992	x	
Paraguay	1992	x	
Switzerland	1992	x	
Greece	1993		x
Guinea-Bissau	1993	x	
Bolivia	..	x	
Italy	1994	x	
Mauritius	1995	x	
Republic of Moldova	1995	x	
Spain	1995	x	
South Africa	1995	x	

Note: Two dots (..) indicate that data are not available.

[a] Total of 35 countries.

[b] In chronological order.

Annex III

SAFEGUARDS GUARANTEEING PROTECTION OF THE RIGHTS OF THOSE FACING THE DEATH PENALTY, AS WELL AS ADDITIONAL RECOMMENDATIONS

1. The safeguards guaranteeing protection of the rights of those facing the death penalty, approved by the Economic and Social Council in its resolution 1984/50 of 25 May 1984, are listed below.

> 1. In countries which have not abolished the death penalty, capital punishment may be imposed only for the most serious crimes, it being understood that their scope should not go beyond intentional crimes with lethal or other extremely grave consequences.
>
> 2. Capital punishment may be imposed only for a crime for which the death penalty is prescribed by law at the time of its commission, it being understood that if, subsequent to the commission of the crime, provision is made by law for the imposition of a lighter penalty, the offender shall benefit thereby.
>
> 3. Persons below 18 years of age at the time of the commission of the crime shall not be sentenced to death, nor shall the death sentence be carried out on pregnant women, or on new mothers, or on persons who have become insane.
>
> 4. Capital punishment may be imposed only when the guilt of the person charged is based upon clear and convincing evidence leaving no room for an alternative explanation of the facts.
>
> 5. Capital punishment may only be carried out pursuant to a final judgement rendered by a competent court after legal process which gives all possible safeguards to ensure a fair trial, at least equal to those contained in article 14 of the International Covenant on Civil and Political Rights,[a] including the right of anyone suspected of or charged with a crime for which capital punishment may be imposed to adequate legal assistance at all stages of the proceedings.
>
> 6. Anyone sentenced to death shall have the right to appeal to a court of higher jurisdiction, and steps should be taken to ensure that such appeals shall become mandatory.
>
> 7. Anyone sentenced to death shall have the right to seek pardon, or commutation of sentence; pardon or commutation of sentence may be granted in all cases of capital punishment.
>
> 8. Capital punishment shall not be carried out pending any appeal or other recourse procedure or other proceeding relating to pardon or commutation of the sentence.
>
> 9. Where capital punishment occurs, it shall be carried out so as to inflict the minimum possible suffering.

2. Further to the above-mentioned safeguards, the Council, in its resolution 1989/64 of 24 May 1989, recommended that Member States take steps to implement the safeguards and strengthen further the protection of the rights of those facing the death penalty, where applicable by:

(a) Affording special protection to persons facing charges for which the death penalty is provided by allowing time and facilities for the preparation of their defence, including the adequate assistance of counsel at every stage of the proceedings, above and beyond the protection afforded in non-capital cases;

(b) Providing for mandatory appeals or review with provisions for clemency or pardon in all cases of capital offence;

(c) Establishing a maximum age beyond which a person may not be sentenced to death or executed;

(d) Eliminating the death penalty for persons suffering from mental retardation or extremely limited mental competence, whether at the stage of sentence or execution.

Notes

[a] General Assembly resolution 2200 A (XXI), annex.

Annex IV

TYPES OF CAPITAL OFFENCES IN RETENTIONIST COUNTRIES[a]

A. North Africa and the Middle East

1. Bahrain

Offences under ordinary criminal law

Murder, premeditated or associated with another crime, or against a public official or an official undertaking public service, or if poison or explosives were used; crimes against public property; heading, leading, directing or organizing an armed gang with the aim of usurping or pillaging land or property owned by the Government or a group of people, or with the aim of resisting a military force which pursues the perpetrators of such felonies; illicit trafficking in narcotic substances; importing or exporting narcotic substances or preparations without permission; planting, producing, extracting, separating or manufacturing narcotic substances or preparations with the intent of trafficking; obtaining, purchasing or selling narcotic substances or preparations; delivering, receiving, relinquishing or dispensing narcotic substances or preparations; providing narcotic substances for abuse or facilitating their abuse with or without remuneration; disposing of narcotic substances or preparations by a person who was entrusted with the custody of or who was licensed to hold such substances for a particular purpose.

Offences under military law and offences against the State

Crimes against the internal security of the State; committing an act of aggression against the life of the Head of State or the Heir to the Throne or against his liberty; committing an act of aggression against the Head of State or the Heir to the Throne that does not endanger his life; attempting to overthrow the Constitution or Government as a result of working for or communicating with a foreign State or any person working for its interests; working for, communicating with, forming or assuming leadership of an armed gang which attempts to overthrow the Constitution or Government; forming or assuming leadership of a gang which attacks a group of citizens or which offers armed resistance to officials of the public authority for the prevention of the implementation of the law; heading, assuming leadership of, directing or organizing the moves of an armed gang with the aim of usurping or pillaging land or property owned by the Government or a group of people or with the aim of resisting a military force charged with the pursuit of the perpetrators of such felonies.

Mandatory sentence for crimes against the external security of the State; intentionally committing an action undermining the independence of the country, its unity or the integrity of its territory; taking up arms against the State of Bahrain; engaging in any manner in the armed forces of a State that is in a state of war with the State of Bahrain, or an armed fighting group that does not have the status of combatants; engaging for the benefits of the enemy in any plot aimed at undermining the loyalty of the armed forces or of weakening its morale or the morale of the people or its will to resist; inciting the soldiery in time of war to enlist in the service of a foreign State or facilitating such action for them; intentionally being involved in any manner whatsoever in gathering soldiers or men or funds or supplies or equipment or plotting any such action for the benefit of a State in a state of war with the State of Bahrain or for the benefit of a fighting group that does not have the status of combatants; facilitating the entry of an enemy into the territory of the State or delivering to the enemy cities, fortresses, facilities, sites, ports, warehouses, factories, ships, aircraft, means of transportation, weapons, munitions, military equipment, supplies, foodstuffs or any other such materials prepared for defence or used for such, or serving the enemy by conveying information to it or by serving as a guide to it; working for or corresponding with a hostile foreign State or any person working for its interests to assist it in its military operations or to harm the military operations of the State of Bahrain; working for or corresponding with a hostile foreign State or any person working for its interests in order to undertake offensive actions against the State of Bahrain; delivering or disclosing in any way or manner whatsoever to a foreign State or to any person working in it interests a defence secret or obtaining by any means whatsoever such a secret with the intention of delivering it or disclosing it to a foreign State or to any person working for its interests; damaging for the benefit of a foreign State anything considered a defence secret or rendering it unusable.

2. Egypt

Offences under ordinary criminal law

Premeditated murder with malice aforethought; premeditated murder related to treachery or misdemeanour; rape associated with kidnapping; import, export and traffic in narcotic substances; planting or producing narcotic substances with intent to traffic; formation of a gang with the aim of trafficking in narcotic substances.

Offences under military law and offences against the State

State security felonies from abroad (intelligence crimes); State security felonies from within (attempt to overthrow the Government).

3. Israel

Offences under military law and offences against the State

Genocide; crimes against the Jewish People; crimes against humanity; war crimes; unlawfully discharging firearms under defence (emergency) regulations of 1945; impairment of sovereignty or integrity of the State; causing war with intent to assist the enemy; assistance to the enemy in war; treason during actual fighting.

4. Jordan

Offences under ordinary criminal law

Mandatory sentence for murder; forcible rape of girls under 15 years of age; illicit trafficking in narcotics.

Offences under military law and offences against the State

Mandatory sentence for spying; overthrowing the Government.

5. Morocco

Offences under ordinary criminal law

Aggravated murder; assassination; parricide; infanticide; poisoning; kidnapping; torture; barbaric acts; death resulting from certain practices; rape of a minor leading to death; strangulation resulting in death; false testimony leading to a death sentence on a person.

Offences under military law and offences against the State

Attempts on the life of the royal family; treason; espionage; offences against the external security of the State; offences against the internal security of the State; voluntary destruction of objects during the defence of the nation; offences against the external security of the State during war; desertion in face of the enemy; refusal to obey an order in the presence of the enemy; violence against sick or wounded persons with the intent to rob; abandoning the post in the presence of the enemy; leaving service in the presence of the enemy; capitulation contrary to duty and honour.

6. *Qatar*

Offences under ordinary criminal law

Murder or preparation or facilitation of the perpetration of a crime; importation, exportation, making, manufacturing or planting narcotics with the intent of trafficking, in the case of recidivism.

Mandatory sentence for homicide in the course of robbery.

Offences under military law and offences against the State

Mandatory sentence for intentionally causing the death of the Ruler, the Deputy Ruler or the Heir to the Throne; bearing arms against the State; joining the armed forces of a country in a state of war with Qatar, or instigating thereto; spying for an enemy State.

7. *Tunisia*

Offences under ordinary criminal law

Premeditated murder; premeditated murder associated with another offence; rape of a female with violence; leading an armed gang with the intent of robbing State property or that of individuals.

Offences under military law and offences against the State

Treason; spying; acts against State security; attempt on the life of the Head of State; going over to the enemy; spying for the enemy; bearing arms against Tunisia.

B. Africa south of the Sahara

1. *Burundi*

Offences under ordinary criminal law

Parricide; infanticide; murder; poisoning; subjection to a superstition test causing death; cannibalism; murder for purpose of robbery; rape resulting in death; aggravated theft with the use of weapons; damaging the national economy by stealing or destroying buildings, ports, highways, railways.

Offences under military law and offences against the State

Treason; espionage; commanding mercenaries; attempt on the life of the Head of State; attempt to commit massacres; membership of armed gangs; heading or organizing an insurrectionist movement; desertion in the form of an armed band with weapons; desertion to the enemy; any commander of a unit capitulating in the face of the enemy; treason and conspiracy; rebellion; violation of orders.

2. Guinea

Offences under ordinary criminal law

Infanticide.

Mandatory sentence for manslaughter; murder; poisoning; parricide; castration resulting in death; kidnapping; crimes against children; violence and assault; offences against public morals; obstructing the maintenance of order; destruction or damage of public or private buildings or facilities; arson; use of explosives.

Offences under military law and offences against the State

Mandatory sentence for offences against the internal security of the State; offences against the external security of the State.

C. Asia and the Pacific

1. Bangladesh

Offences under ordinary criminal law

Murder; abetment of the suicide of a child, or of an insane or delirious person or of an idiot or an intoxicated person; murder in dacoity; causing death for dowry; causing death in committing rape; cultivation, production, possession, carrying, sale, purchase or storage of heroin, cocaine and other dangerous drugs, 25 to 50 kilograms.

Mandatory for murder by a person under sentence for transportation for life.

Offences under military law and offences against the State

Waging or attempting to wage war or abetting war against Bangladesh; abetment of mutiny if mutiny is committed in consequence thereof; mutiny and insubordination; offences in relation to the enemy.

2. Japan

Offences under ordinary criminal law

Murder; robbery resulting in death (including murder during a robbery); rape resulting in death during a robbery; seizure of an aircraft, resulting in death; crashing or destruction of an aircraft, resulting in death; murder of hostages; homicide during a duel; arson of an inhabited structure etc.; destruction by explosives; damage to an inhabited structure by means of flooding and use of explosives; overturning of a vessel or a railroad train, resulting in death; overturning of a vessel thereby endangering traffic and resulting in death; addition of poisonous material to a water main, resulting in death.

Offences under military law and offences against the State

Being ringleader of an insurrection; inducement of foreign aggression; assisting an enemy.

3. *Republic of Korea*

Offences under ordinary criminal law

Murder; murder of an ascendant; robbery and murder; death resulting from robbery; aggravated theft and rape; special robbery and rape; rape and murder; kidnapping and murder of a minor; habitual robbery; special robbery and special rape; habitual theft; illegal drug-trafficking for profit; heading a criminal organization.

Offences under military law and offences against the State[b]

Heading a ring or participating in insurrection; homicide with the purpose of insurrection; inducing a foreign aggression; taking side with an enemy; benefiting an enemy by delivering equipment; benefiting an enemy by destroying equipment; spying.

4. *Singapore*

Offences under ordinary criminal law

Use or attempting use of arms; using or attempting to use arms to commit a scheduled offence; being an accomplice (in an offence punishable by death); trafficking in arms; abduction, wrongful restraint or wrongful confinement for ransom; criminal conspiracy to commit an offence punishable by death; piracy under the law of nations where murder, an attempt to murder or an act likely to endanger life is also committed in consequence thereof; giving or fabricating false evidence with intent to procure conviction of a capital offence if thereby convicted and executed; abetment of suicide of a child or an insane person; attempted murder by convicts; kidnapping or abducting in order to murder; gang robbery with murder.

Mandatory sentence for murder; trafficking in drugs of and above certain prescribed amounts; discharging of firearms in the course of committing an offence.

Offences under military law and offences against the State

Misconduct in action; assisting the enemy, mutiny in the face of the enemy or involving violence; offences in relation to an officer in a ship convoying or protecting a vessel; waging of, or attempting to wage, war or abetting the waging of war against the Government; offences against the person of the President; abetment of mutiny, if mutiny is committed in consequence thereof.

5. *Sri Lanka*

Offences under ordinary criminal law

Manufacture of heroin, cocaine, morphine or opium; trafficking, possessing, importation of 2 grams of heroin and above, 3 grams of morphine and above, 500 grams of opium and above and abetment of these offences.

Mandatory sentence for murder; abetment of suicide; abetment of murder; giving or fabrication of false evidence and if an innocent person is thereby convicted and executed.

Offences under military law and offences against the State

Waging or attempting to wage war or abetting the waging of war against the State; abetment of mutiny if mutiny is committed as a consequence; shamefully abandoning any fortification, post etc.; shamefully casting away arms in the face of the enemy; treacherously communicating with the enemy; assisting the enemy with arms or ammunition or protecting the enemy; voluntarily serving with or aiding the enemy having been made prisoner of war; on active service knowingly committing any act to imperil the success of the army.

6. Thailand

Offences under ordinary criminal law

Rape which causes grievous bodily harm; murder; abduction of a minor for ransom; arson of some specific properties; sale of or having possession for sale of narcotics (more than 100 grams).

Mandatory sentence for rape which causes death; murder committed in "some specific manners"; abduction of a minor for ransom which causes death to the victim; robbery which causes death to another person; arson or causing an explosion which causes death to another person; manufacture, import or export of narcotics for sale; deceiving, threatening, or unlawfully forcing a female victim or a minor to consume narcotics.

Offences under military law and offences against the State

Insurrection; offences against the external security of the Kingdom; offences against the friendly relations with foreign States; defection; disobedience against an order.

Mandatory sentence for offences against the King, the Queen, the Heir and the Regent.

7. Tonga

Offences under ordinary criminal law

Murder.

Offences under military law and offences against the State

Treason; misconduct in action; assisting the enemy; obstructing operations; offences by and against sentries.

D. Latin America and the Caribbean

1. Argentina

Offences under military law and offences against the State

Espionage in time of war; physical assault on a higher rank; lack of respect in wartime; insubordination in the face of the enemy; armed violence in wartime; mutiny by higher ranks.

Mandatory sentence for treason; military rebellion.

2. Chile

Offences under ordinary criminal law

Homicide with rape or wounding, kidnapping or robbery; death caused by rape; parricide; while serving a life sentence committing another crime punishable by a life sentence.

Offences under military law and offences against the State

Conspiracy against the external security of the State; qualified desertion; unjustified surrender; abandoning command and qualified desertion of post; ill-treatment of State property; deviation of the route of a ship in time of war; loss or damage to a ship; abandoning a squadron or division.

3. Guatemala

Offences under ordinary criminal law

Parricide (mandatory if the dangerousness of the offender can be proved); murder; aggravated rape (mandatory if the victim dies and is less than 10 years old); piracy and kidnapping (mandatory if the victim dies); assassination.

Offences under military law and offences against the State

Mandatory sentence for treason and espionage; rebellion and sedition; offences against military service (various provisions); offences against military authority, sentries, patrols or armed troops; desertion; acts of violence and looting; theft and robbery.

4. Mexico

Offences under military law and offences against the State

Insurrection (mandatory, except for those who surrender before any armed action is taken against forces of the Government of the Republic); infraction of sentries, special duties of sailors, airmen, military duties, offences against military honour, abandonment of service (mandatory in wartime); false alarm (mandatory in wartime); unlawful assembly (mandatory in wartime); insubordination (mandatory, except when a subordinate has been obliged to act); abuse of authority; exceeding of powers and usurpation of command or authority.

Mandatory sentence for treason; espionage; escape of prisoners, offences against international law.

5. Peru

Offences under military law and offences against the State

Treason and terrorism, beyond cases occurring in a foreign war (under the Constitution); treason in an external war.

6. Trinidad and Tobago

Offences under ordinary criminal law

Mandatory sentence for murder.

Offences under military law and offences against the State

Mutiny; failure to suppress mutiny.

Mandatory sentence for treason.

E. Eastern Europe

1. Armenia

Offences under ordinary criminal law

Premeditated murder under aggravating circumstances; rape of a minor; rape resulting in especially serious consequences or committed by an especially dangerous recidivist; hijacking of an aircraft resulting in death or serious injuries.

Mandatory sentence for bribe-taking under particularly aggravating circumstances; attempt on the life of a policeman under aggravating circumstances.

Offences under military law and offences against the State

Treason; espionage; acts of terrorism; acts of terrorism against the representatives of a foreign country; sabotage; particularly dangerous State crimes against another State; organization of participation in dangerous State crimes; banditry; actions destructive to the work of correctional institutions; disregard of the mobilization call in time of war; manufacturing of or dealing in counterfeit money or securities; insubordination; resisting an officer; exercise of force against a supervisor; desertion; unauthorized quitting of unit in a combat situation; evading military service through self-injury; intentional destruction of military property; violation of guarding rules; abuse of power; transfer of military articles to the enemy; quitting a military ship; and several other offences against military duties.

2. Belarus

Offences under ordinary criminal law

Deliberate murder under aggravating circumstances; rape of a minor female committed by a particularly dangerous repeat offender or resulting in severe consequences; attempt on the life of a policeman, member of the volunteer civilian patrol, military serviceman or other person or on the life of their close relatives; hijacking an aircraft on the ground or during flight, or the seizure of such an aircraft for the purpose of hijacking it, committed with the use of force or threats or in a way causing death, serious bodily harm or an accident involving the aircraft.

Offences under military law and offences against the State

Treason; conspiracy to seize power by unconstitutional means when it results in the death of a person; spying; assassination of the representative of a foreign Government for the purpose of provoking a war or international complications; acts of terrorism (attempt on the life of a Government or public figure, committed in connection with that person's governmental or public activity and for the purpose of destabilizing the social order etc.); sabotage (the causing of explosions or fires, or other actions aimed at the killing of a large number of persons, the destruction or damage of buildings, facilities, roads, railway etc.) for the purpose of destabilizing the social order or interfering with the activities of the State authorities; organized activity aimed at preparing or committing particularly dangerous offences against the State; participating in an anti-State organization; banditry; actions disrupting the work of correctional labour institutions (committed by particularly dangerous repeat offenders and by persons who have previously committed serious crimes); evasion of mobilization call-up notice committed in time of war; looting; violence against the population in an area of military activities; resisting a superior or forcing him to violate his official duties, committed by a group of persons, or with the use of weapons, or resulting in serious consequences, if these actions were connected with the murder of a superior or any other person performing military duties or in a time of war or in a combat situation; the following offences when committed at a time of war or in a combat situation: insubordination (i.e. an overt refusal to carry out a superior's order); violent actions against a superior; abandonment of one's unit; evasion of military service by self-mutilation or in some other way; deliberate destruction or damage of military property; violation of the rules of combat duty with respect to the timely detection and repulse of a sudden attack; abuse of authority or official position by a superior or an official etc.; handing over or surrender to the enemy the means of waging war, when these actions were not committed for the purpose of aiding the enemy; abandonment of a sinking warship by a commander who has not fully carried out his official duties, or by a member of the ship's crew without a proper order from the commander; abandonment of the field of battle without permission during combat or refusal to use arms during a battle; voluntary surrender for reasons of cowardice or faint-heartedness.

3. Bosnia and Herzegovina

Offences under ordinary criminal law

The gravest cases of murder; the gravest cases of aggravated theft and burglary-robbery with a murder committed; aircraft hijacking; endangering the safety of an aircraft flight.

Offences under military law and offences against the State

Acknowledgement of the capitulation and occupation of the country; murder of the highest State officials; the gravest cases of offences against the State; genocide; war crimes against the civilian population; war crimes against the wounded or sick; illegal killing and wounding of enemies; the gravest cases of offences against military duties; the gravest cases of offences committed during war or immediate danger of war; attack on an army officer during his duty; passing over and surrendering to the enemy; not fulfilling an order during combat; intentional absence for duty during combat; leaving positions against an order; prematurely leaving a damaged vessel or aircraft; weakening of fighting morale in a combat situation; not securing the safety of an army unit; not fulfilling an order during mobilization.

4. Poland

Offences under ordinary criminal law

Murder, armed robbery.

Offences under military law and offences against the State

Treason; acts pursuant to a seditious conspiracy; espionage; terrorism; sabotage; refusal to execute an order in a combat situation; violation of the obligation to defend the State during time of mobilization or war; murder or mistreatment of the civilian population and prisoners of war.

5. Russian Federation

No information was supplied in the response to the fifth survey. The following offences were listed in the reply of the Russian Federation to the Council of Europe.[c]

Offences under ordinary criminal law

Banditry; inciting disorders in correctional institutions by recidivists; manufacture or sale of counterfeit money or securities; deliberate murder in aggr vating circumstances; rape of minors committed by especially dangerous recidivists or with very grave consequences; attempt on the life of a policeman; hijacking an aircraft connected with the death of people.

Offences under military law and offences against the State

High treason; espionage; terrorist acts; terrorist acts against the representative of a foreign State in order to incite war; terrorism leading to the death of a person; resistance to or coercion of a (military) commander in connection with his murder; plus 15 various military offences committed in wartime.

6. Ukraine

Offences under ordinary criminal law

Murder under aggravating circumstances; attempt on the life of a police officer or people's militia or servicemen in connection with their activities in maintaining law and order.

Offences under military law and offences against the State

Attempts on the lives of State officials or foreign representatives; offences committed in wartime or during military action.

F. Western Europe and other States

1. Cyprus

Offences under military law and offences against the State

Treason and piracy (as specified in the Law of England); instigating invasion; treason; surrender of entrusted post by a military commander; capitulation in an open place by a commander of an armed military unit; instigating and/or leading a revolt with armed forces; transmission of military secrets to a foreign state or spy or agent; inciting and/or leading a revolt among prisoners of war.

2. Turkey

Offences under ordinary criminal law

Murder of a legitimate descendant or ascendant; murder of a Member of Parliament; multiple murder; murder committed with premeditation; murder accompanied by torture or acts of barbarism; murder committed by means of fire or flooding; murder committed with the object of facilitating the commission of a criminal offence; murder committed for the purpose of reaping the fruits of a crime or concealing the preparation of a crime; murder actuated by anger arising from the failure of an attempt to commit a crime; murder with the object of concealing a crime or destroying evidence of a crime; murder committed in the context of a vendetta.

Offences under military law and offences against the State

Attacks against the independence, integrity or unity of the State and various forms of this offence.

3. United Kingdom of Great Britain and Northern Ireland

Offences under military law and offences against the State

Piracy with violence; certain treasonable and mutinous offences under the Armed Forces Act; serious misconduct in action with intent to assist the enemy; assisting the enemy with intent to do so; obstructing operations or giving false air signals with intent to assist the enemy; mutiny or incitement to mutiny with the object of avoiding duty in connection with operations or impeding the performance of such operations against the enemy; failure to suppress or report a mutiny with intent to assist an enemy.

Mandatory sentence for high treason and other treasonable acts.

G. North America

Canada

Offences under military law and offences against the State

Spying; mutiny with violence.

Mandatory sentence for the following military crimes only if they involve treason: security (miscellaneous offences); misconduct of commanders in the presence of the enemy; misconduct of any person in the presence of the enemy; becoming/remaining a prisoner of war.

Notes

[a] Summaries based on the replies received to the fifth survey.

[b] The reply of the Republic of Korea (completed by the Ministry of Justice) stated that a list of offences against military criminal law, laws of war or other special laws was not available to the Ministry of Justice.

[c] See Council of Europe document AS/Jur (1994) 48 of 5 September 1994.

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COOPERATION AND COORDINATION OF ACTIVITIES WITH OTHER UNITED NATIONS BODIES AND OTHER ENTITIES

Cooperation and coordination of activities in crime prevention and criminal justice, including activities of the United Nations International Drug Control Programme

Report of the Secretary-General

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*E/CN.15/1996/1.

INTRODUCTION

1. Cooperation and coordination of activities in crime prevention and criminal justice has been persistently called for by the General Assembly as well as the Economic and Social Council in the years that followed the restructuring of the United Nations crime prevention and criminal justice programme and the establishment of the Commission on Crime Prevention and Criminal Justice. The Commission has regularly had before it reports on cooperation and coordination with other entities, showing a continuous growth in the scope and quality of collaborative action.

2. Most recently, the General Assembly, in its resolution 50/146, paragraph 10, requested the Secretary-General to take all necessary measures to assist the Commission, as the principal policy-making body in the field of crime prevention and criminal justice, in performing its functions and to ensure the proper coordination of all relevant activities in the field, in particular with the Commission on Human Rights, the Commission on the Status of Women and the Commission on Narcotic Drugs. Further, the Economic and Social Council, in resolution 1995/15, paragraph 8, called upon all relevant international, intergovernmental and non-governmental organizations to continue cooperating with the United Nations crime prevention and criminal justice programme in support of its operational and technical activities.

3. The present report updates the information on this subject provided to the Commission at its fourth session (E/CN.15/1995/8), outlining the progress in and benefit drawn from collaborating with other entities on issues of mutual interest. Additional information on specific activities will be found in a number of other reports before the Commission.

I. COOPERATION AND COORDINATION OF ACTIVITIES

A. Follow-up of the Ninth United Nations Congress on Crime Prevention and the Treatment of Offenders

4. The purpose of the United Nations congresses in their new format, as stated by the General Assembly in its resolution 46/152, annex, paragraph 29, is to serve as a consultative body of the programme and as such to provide a forum for, *inter alia*, the submission of advice and comments to the Commission on selected matters, including suggestions for the programme of work. The General Assembly, in its resoltuion 49/158, requested the Commission to give priority attention at its fourth session to the conclusions and recommendations of the Ninth Congress, held at Cairo, from 29 April to 8 May 1995, and to recommend, through the Economic and Social Council, appropriate follow-up by the General Assembly at its fiftieth session.

5. The resolutions and recommendations of the Ninth Congress were reviewed by the Commission at its fourth session. On the recommendation of the Commission, the Economic and Social Council adopted resolution 1995/27, on the implementation of the resolutions and recommendations of the Ninth Congress. In that resolution, the Council called for cooperation and coordination of activities with other entities.

6. The General Assembly, in resolution 50/145, paragraph 7, urged all entities of the United Nations system, including the regional commissions, the regional institutes for the prevention of crime and the treatment of offenders and the relevant intergovernmental and non-governmental organizations to become actively involved in the implementation of the resolutions and recommendations of the Ninth Congress. Because of the broad scope of the recommendations of the Ninth Congress, as reviewed by the Commission and endorsed by the Council, and considering the financial and institutional limitations of the Crime Prevention and Criminal Justice Division, collaboration with other entities is a prerequisite for the implementation of those recommendations.

B. Joint initiatives with the United Nations International Drug Control Programme

7. The General Assembly, in its resolution 50/146, paragraph 14, requested the Secretary-General to continue to strengthen cooperation between the Crime Prevention and Criminal Justice Division* and the United Nations International Drug Control Programme (UNDCP). The Commission on Narcotic Drugs, by resolution 9 (XXXVIII), paragraph 5, requested UNDCP to coordinate with the Division in reporting annually to that Commission and to assist the Division in reporting to the Commission on progress achieved in the strengthening of coordination. Close cooperation and coordination between the two entities continued during the reporting period. Information was regularly exchanged in areas of common concern. New initiatives were jointly planned for assistance to, *inter alia*, Angola, Kazakstan, Kyrgyzstan, Pakistan, Tajikistan, The former Yugoslav Republic of Macedonia, Turkmenistan and Uzbekistan. In addition to a joint mission to Pakistan in March/April 1995, the UNDCP field office offered general assistance to advisory missions undertaken by its interregional advisors.

8. UNDCP was represented at the Ninth Congress, where it provided assistance with the documentation and organization of a workshop on extradition and international cooperation: exchange of national experience; and implementation of relevant principles in national legislation. It was also represented at the fourth session of the Commission. The Division, in turn, attended the thirty-eighth session of the Commission on Narcotic Drugs, as well as its resumed session. It was represented by the United Nations Interregional Crime and Research Institute at the annual meeting of the Subcommittee on Drug Control of the Administrative Committee on Coordination, held at Geneva, from 31 July to 2 August 1995.

9. The two entities continued to explore ways of furthering cooperation in areas of mutual interest and concern, for example, through the UNDCP legal assistance programme and the Division's interregional advisers. Areas that were identified for possible cooperation include:

(a) Further elaboration of existing model drug legislation by incorporating appropriate United Nations criminal justice standards and norms, such as those concerning the treatment of offenders and police powers. Other model laws, such as on anti-corruption measures, could also be developed. These activities could be undertaken on an incremental basis, as resources permitted;

(b) Joint preparation of training manuals, taking into account the needs of different regions and legal traditions, for example concerning criminal justice procedures for the prosecution of offences;

(c) Input into the training components of national projects;

(d) Enhanced exchange of information concerning forthcoming missions.

10. With regard to cooperation in the area of activities against organized crime, particularly as related to drug trafficking, the Commission on Narcotic Drugs, in resolution 9 (XXXVIII), requested Member States to implement the Naples Political Declaration and Global Action Plan against Organized Transnational Crime, which was adopted by the World Ministerial Conference on Organized Transnational Crime, held at Naples, Italy, from 21 to 23 November 1994 and subsequently approved by the General Assembly in its resolution 49/159 of 23 December 1994. The Commission on Narcotic Drugs, in its same resolution, requested UNDCP, in cooperation with the Division, to jointly provide to requesting States assistance in the prevention and control of money-laundering and the illicit transfer of assets, on the basis of the recommendations contained in the Naples Political Declaration and Global Action Plan, as well as in other United Nations resolutions.

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*The Crime Prevention and Criminal Justice Branch was upgraded to a Division by the General Assembly in its resolution 50/214 of 23 December 1995. For convenience, it will be referred to throughout as Division.

11. In pursuance of the above, UNDCP was represented at the Regional Ministerial Workshop on the Follow-up of the Naples Political Declaration and Global Action Plan, organized by the Government of Argentina and the Division at Buenos Aires, from 27 to 30 November 1995, which reviewed relevant activities subsequent to the World Ministerial Conference. UNDCP contributed information based on experience with the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988,[1] regarding areas such as money-laundering, mutual legal assistance, extradition and confiscation.

12. In this field, the Division and UNDCP are currently finalizing a joint project proposal for a global project on money-laundering, aiming at the development of the basic legal and institutional framework for more efficient response to transnational organized crime and illicit money traffic. The proposal takes into account and complements the activities in this field of the Financial Action Task Force as well as the International Criminal Police Organization, the World Customs Organization and other organizations active in this area.

13. The two entities are also, in cooperation with the Organization for Security and Cooperation in Europe, jointly planning the organization of a ministerial meeting on organized crime for Kazakstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan, to be held in 1996. The first preparatory meeting was held in Vienna, on 26 January 1996.

14. In formulating and implementing a project on institution-building and improvement of control measures in Ukraine, UNDCP and the Division have been working together to provide advice on the policy coordination activities of the relevant agencies of the criminal justice system and their roles in a democratic society. In the implementation of the project on institution-building and improvement of control measures in Belarus, developed by UNDCP, the Division organized two consecutive training courses on the role of the police in the criminal justice system for high-ranking police officers of the Belarus police.

15. In addition, the Division participated in the expert meeting on establishing policies and priorities in drug control in the context of the criminal justice system, organized by UNDCP and the Council of Europe, at Budapest, from 7 to 8 September 1995. The meeting was part of a larger project the main objective of which was halting the deterioration in the ability of criminal justice systems to play a central role in drug control. The Division has also been providing substantive support to a UNDCP project executed in cooperation with the Inter-American Drug Abuse Control Commission and the Latin American Institute for the Prevention of Crime and the Treatment of Offenders, based in Costa Rica, for the harmonization of drug-control legislation in all central American countries.

16. In addition, UNDCP and the Division provided a joint submission to the Ad Hoc Committee on the Establishment of an International Criminal Court, reviewing the draft statute for an international criminal court contained in the note by the Secretary-General (A/49/355) on the report of the International Law Commission on the work of its forty-sixth session and commenting on a number of issues that were of importance to the work of both the Commission on Narcotic Drugs and the Commission, for example, the prevention and control of transnational organized crime.

C. Collaboration with entities of the Secretariat and other United Nations bodies

1. Centre for Human Rights

17. The crucial importance of the criminal justice system in the endeavours of any society to meet internationally recognized standards of human rights and freedoms of the individual provides a natural incentive for cooperation between the Commission on Human Rights and the Commission on Crime Prevention and Criminal Justice. The importance of effective cooperation between the two bodies was

reiterated by the General Assembly in its resolution 50/146, paragraph 10, and such cooperation continued to be of great importance to the work of the Division, throughout the reporting period.

18. The Economic and Social Council, in its resolution 1995/13, paragraph 12, requested the Secretary-General to encourage the coordination of activities related to the use and application of United Nations standards and norms between the Division and other relevant United Nations entities, *inter alia*, the United Nations High Commissioner for Human Rights, to heighten their efficacy and avoid overlapping in the implementation of their programmes.

19. Coordination of activities included attendance at the annual sessions of the policy-making bodies concerned, as well as ad hoc meetings on the possibilities of collaborative action in operational projects in, *inter alia*, Haiti and Rwanda. A further area of common concern where cooperation took place was on the rights of victims of crime and the abuse of power.

20. Discussions were held on, *inter alia*, closer cooperation at the inter-agency meeting on technical cooperation in support of the work of the Committee on the Rights of the Child, called for by the High Commissioner for Human Rights, and held in June 1995. The immediate objective of that meeting was to meet with the members of the Committee and other United Nations agencies in this field to attempt to coordinate technical cooperation activities in support of the Committee's recommendations to enhance national implementation of the Convention on the Rights of the Child (General Assembly resolution 44/25, annex, of 20 November 1989). It also offered a good opportunity to discuss cooperative arrangements with the Centre for Human Rights on its programme of advisory services, training and project implementation in the field of human rights and the administration of justice.

21. Of particular concern is the development of manuals and other working materials on the administration of justice, addressed to the various professions in the criminal justice system. Discussions held centred on the development of joint publications on the fields of law enforcement, magistrates and prosecutors, juvenile justice and the treatment of prisoners.

2. Department of Peace-keeping Operations

22. The General Assembly, in resolution 50/146, paragraph 13, took note of the contributions of the United Nations crime prevention and criminal justice programme to United Nations peace-keeping and special missions, as well as its contributions to the follow-up to those missions, *inter alia*, through advisory services, and encouraged the Secretary-General, as a way of strengthening the rule of law, to recommend the inclusion of the re-establishment and reform of criminal justice systems in peace-keeping operations.

23. The Division continued to put priority on assistance to those missions. During the reporting period it provided assistance to the peace-keeping missions in Haiti and Rwanda. Discussions on the possibility of undertaking joint missions have been initiated with UNDCP and the United Nations Development Programme (UNDP), concerning requests for assistance received from Angola and Liberia.

3. Office of the Special Representative of the Secretary-General in Burundi

24. The Division provided assistance to a training programme for high-ranking Burundian police officials and military in 1995. This programme was organized by the Raoul Wallenberg Institute of Human Rights and Humanitarian Law in cooperation with the Swedish International Development Agency, the Office of the Special Representative of the Secretary-General in Burundi and the Division.

4. United Nations Development Programme

25. The General Assembly in resolution 50/146, paragraph 9, requested the Secretary-General to facilitate, as appropriate, the creation of joint initiatives, including bilateral activities, and the joint formulation and implementation of technical assistance projects benefiting developing countries and countries in transition, involving interested donor countries and funding agencies, particularly UNDP Programme and the World Bank, with a view to establishing and maintaining efficient criminal justice systems on a country-by-country basis as an essential component of developmental efforts.

26. The same resolution called upon, *inter alia*, UNDP to support technical cooperation activities devoted to crime prevention and criminal justice and to include such activities in its programme. UNDP was further called upon to utilize the expertise of the United Nations crime prevention and criminal justice programme and to cooperate closely on relevant technical assistance projects and advisory missions.

27. Furthermore, UNDP, *inter alia*, was called upon also by the Economic and Social Council, in resolution 1995/9, paragraph 7, to give appropriate consideration to the inclusion in its assistance programmes of projects dealing with urban crime prevention.

28. Collaboration and coordination with UNDP has continued to grow in scope and intensity. Requests for technical assistance in the field of crime prevention and criminal justice continued to be channelled through the field offices of UNDP to the Division. Project proposals developed by the Division in response to requests from Member States were regularly sent to UNDP for consideration with regard to funding and the possibility of undertaking joint activities. Contacts have also been made with UNDP in order to develop the necessary framework for closer cooperation, especially in view of the recent developments in the area of development assistance, where crime prevention and criminal justice aspects have become increasingly important, in particular with regard to projects relating to the rule of law, citizen security and the concept of good governance.

29. Resident representatives of UNDP assisted in carrying out advisory missions and in developing follow-up projects. They also assisted with the subregional workshops organized by the Division: in Barbados in April 1995 and at Kampala in July 1995. This was, *inter alia*, also the case with the advisory mission to Brazil in May 1995 in response to a request for assistance in reforming their penitentiary system. As a result of that mission, two comprehensive project proposals for the reform of the penitentiary systems in the states of Rio de Janeiro and Rio Grande do Sul, to serve as models for the remaining states of Brazil, were developed in cooperation with UNDP.

30. UNDP assisted in securing funding of the project for improving good governance in relation to crime prevention and the administration of criminal justice in The former Yugoslav Republic of Macedonia, developed by the Division. UNDP also funded an advisory mission to Kazakstan and Kyrgystan in September 1995.

5. Department for Development Support and Management Services

31. The General Assembly, in resolution 50/145, paragraph 6, concerning the operational aspects of the follow-up to the recommendations of the Ninth Congress, urged the Department for Development Support and Management Services of the Secretariat to continue to provide financial support and assistance within the framework of its technical cooperation programme.

32. Regular contacts were maintained with this Department throughout the reporting period. As a result of discussions held at the twelfth meeting of the Group of Experts on Public Administration and Finance, organized by the Department for Development Support and Management Services, in New York, in August 1995, it was recommended that consideration should be given to establishing training programmes

addressed to the most senior levels of the civil service at national, subregional or regional levels to improve the capacity of government to deal with emerging issues of civil society for the revitalization of civil services. The two entities are planning to jointly develop and deliver such courses in the area of the administration of criminal justice during the period 1996-1997.

33. In addition, the twelfth meeting of the Group of Experts encompassed discussions on the development of an adequate legal basis for combatting corruption, including rules and regulations on the conduct of public office holders as well as clear statutory prohibitions, penalties, and procedures for investigating, bringing to trial and punishing persons engaged in corrupt acts. In this context, modalities for collaboration in the development of a joint policy against corruption, especially tailored for developing countries and countries in transition, were discussed. Furthermore, the Division developed regional projects, for which funds are being sought, on the issue of corruption for eastern and central Europe, eastern Asia and Latin America, in cooperation with the Department for Development Support and Management Services.

34. A third area of discussion during the twelfth meeting was the development of administrative capacities for post-conflict restoration and rehabilitation of government machinery. This is a growing area of work for the Division, where it, through its longstanding contributions to the United Nations peace-keeping and special missions, has developed knowledge and practical experience.

35. In this area, representatives of the Division attended the International Colloquium on Post-Conflict Reconstruction Strategies, from 23 to 24 June 1995, organized by the Reconstruction and Development Support Unit of the Department for Development Support and Management Services. The colloquium, which was sponsored by the Austrian Government, convened a number of representatives of the various United Nations entities active in this field and representatives of Governments as well as of non-governmental organizations. The main objective of the colloquium was to outline concrete practical proposals for effective and concerted action by the United Nations system. As a result of the colloquium, an inventory of post-conflict peace-building activities, prepared by the Task Force on Post-Conflict Peace-Building, will be published.

36. As part of the assistance to Rwanda, through funding by the Department for Development Support and Management Services, the Division was represented at a round-table conference and mid-term review of assistance to the country, organized by UNDP at Kigali, from 7 to 8 July 1995. The conference included a workshop on justice reform and prison conditions and made a number of recommendations for follow-up activities. Discussions were held with representatives of the Government of Rwanda as well as with a number of other United Nations entities active in the country. As a result of this conference, two project proposals were developed, for which funds are currently being sought, on police procedures regarding the gathering of evidence and the training of prison personnel.

D. Crime prevention and criminal justice programme network

37. The efforts undertaken towards closer cooperation and coordination with and within the United Nations crime prevention and criminal justice programme network continued during the period from March to December 1995. A joint publication presenting the institutes members of the network and their activities was published on the occasion of the Ninth Congress.

E. Intergovernmental organizations

38. The Division maintained contact with many intergovernmental organizations by exchanging information on issues of mutual concern as well as on funding of specific projects. These included the Organisation for Economic Co-operation and Development, European Commission, Organization for Security and Cooperation in Europe, Commonwealth Secretariat, Council of Europe, Agency for Cultural and Technical

Cooperation (ACTC), International Criminal Police Organization, Financial Action Task Force and Conférence internationale des barreaux de tradition juridique commune.

39. Fifteen intergovernmental organizations participated as observers at the Ninth Congress, which is a significant increase compared to the Eighth Congress. Seven intergovernmental organizations were represented as observers at the fourth session of the Commission. This is a slight decrease compared to its third session, which may be explained by the short period between the organization of the Ninth Congress and the last session of the Commission.

40. The Division was represented at the third Conference of Ministers of Justice of French-Speaking Countries, organized by ACTC, at Cairo, from 29 October to 3 November 1995. The Conference was attended by delegations from 47 countries, of which 29 were at the ministerial level. The Conference reaffirmed the importance of the conclusions of the Ninth Congress. Further, it included a request for closer cooperation with the United Nations crime prevention and criminal justice programme. Cooperation with the Division was included in the programme of action of the Agence for the years 1996 to 2000 with the objective, on a global level, of furthering democratic governance and sustainable development under the rule of law by the promotion of an independent, accessible and efficient judiciary.

41. The Agence furthermore funded and organized the printing and dissemination of additional copies of the *Compendium of United Nations Standards and Norms in Crime Prevention and Criminal Justice*[2] in French as well as the translation into French of the basic training manual for correctional workers, developed by the International Scientific and Professional Advisory Council. Moreover, the French version of the *Compendium* is currently being adapted for access in a computerized form.

F. Non-governmental organizations and other entities

42. Non-governmental organizations contributed to the work of the crime prevention and criminal justice programme by a variety of means, ranging from the exchange of information, dissemination of information on the United Nations crime prevention and criminal justice programme, participation in expert meetings, training courses and seminars, to the development of working materials and other publications.

43. Seventy-three non-governmental organizations and more than 190 individual experts participated in the Ninth Congress on Crime Prevention and the Treatment of Offenders. This was an increase of two thirds compared to the Eighth Congress, followed by a slight decrease in their participation during the fourth session of the Commission.

44. The observers of non-governmental organizations and individual experts at the Ninth Congress as well as at the fourth session of the Commission fulfilled an important function, particularly by making statements in their capacity as observers on the substantive topics of the agendas, based on their extensive experiences as practitioners working in the field or as distinguished scholars in the area of crime prevention and criminal justice.

45. In addition, at the Ninth Congress, non-governmental organizations and other entities organized 18 ancillary meetings as well as two practically oriented meetings on subject matters relevant to the substantive topics of the congress. In addition, orientation meetings for representatives of non-governmental organizations and individual experts were held daily. Also, a number of ad hoc meetings and working groups were convened on specific issues. These meetings were, on average, attended by 25 to 50 participants, representing Governments, intergovernmental, non-governmental and other professional organizations as well as individual scholars and practitioners, all with a high level of expertise in the subject matters discussed.

II. CONCLUSIONS AND ACTION REQUIRED OF THE COMMISSION

46. Cooperation and coordination of activities with other entities continued to be an issue of great relevance, particularly since the restructuring of the United Nations crime prevention and criminal justice programme. There have been two main decisive factors in this development. First, considering the current level of human and financial resources of the Division, cooperation and coordination with other entities was, and will remain, a condition for the successful implementation of many of the mandates of the programme. For this reason, it is of crucial importance for the development of a comprehensive, result-oriented United Nations strategy in this field, that the efforts carried out by United Nation bodies be coordinated by an entity that shoulders the overall responsibility for this task. The Commission has been repeatedly referred to in General Assembly resolutions as the main policy-making body of the United Nations in its field of competence. Secondly, the enhancement of efficient and democratic criminal justice systems is an essential element of democratic development and therefore a number of United Nations programmes, as well as numerous intergovernmental and non-governmental organizations, may provide assistance in this area. The main priorities of these entities are, however, with the exception of UNDCP, not in the field of crime prevention and criminal justice, but in areas related, for example, to human rights, economic and social development, and the protection of the environment. Cooperation with these entities is essential to avoid the overlapping of activities and inefficient use of resources.

47. Within the reporting period, a more systematic approach to cooperation and coordination has been implemented. With the assistance of the two interregional advisers, the Division was able to initiate new activities and gain growing confidence, trust and increased visibility in the field of technical assistance in crime prevention and criminal justice. This, in turn, increased the number of occasions for discussing collaborative arrangements.

48. The maintenance of such a systematic approach is, however, resource intensive, both in terms of staff and financial resources for attending and organizing coordination meetings. For example, limitations in terms of funds allocated for participation in important meetings of policy-making bodies can hinder the possibilities of promoting cooperation and ensuring coordination. The cost-saving measures to be applied in accordance with the Secretary-General's bulletin ST/SGB/278 of 14 September 1995 have severely affected the increased momentum reached.

49. The development of an efficient network for information gathering and maintenance of contacts with entities active in the same field is an important tool for achieving informal coordination, as well as an important element for a strategy of effective cooperation. The further strengthening of the United Nations crime and justice information network is therefore a matter of great importance. Similarly, comprehensive knowledge of worldwide needs and technical assistance activities undertaken by Governments and other entities is another crucial element of such a strategy. The further development of the network for gathering information on technical assistance activities carried out at the international level, pursuant to Economic and Social Council resolutions 1994/22, paragraph 15, and 1995/12, paragraph 1, could be a further significant step towards more efficient use of resources.

50. The Commission, taking into consideration the need for strengthening inter-agency coordination in the field of crime prevention and criminal justice, and with due consideration of the need to reduce the costs for such activities, as well as the potential of recent developments in information technology, may wish to call for the following:

(a) Organization of an ad hoc inter-agency meeting, with the objective of establishing an institutional framework for closer cooperation and coordination of activities in this field;

(b) Establishment of an electronic forum for inter-agency information sharing, maintained by the Division, as the main coordinating body in this field and as part of its clearing-house function.

51. Taking into account the variety of activities and the complexity of the tasks involved in assisting countries in the development or enhancement of efficient and democratic criminal justice institutions as well as the need to coordinate these activities to avoid overlapping and inefficiencies, the Commission may wish to consider:

(a) Reaffirming the role of the Division to serve as the main facilitator and coordinating mechanism for technical assistance in the field of crime prevention and criminal justice;

(b) Urging those States that have not done so to provide the Division regularly with relevant information on their activities;

(c) Encouraging regular exchanges of information between donor Governments and funding agencies, not only to mobilize resources for technical cooperation projects, but also to ensure the coordination of activities.

Notes

[1] *Official Records of the United Nations Conference for the Adoption of a Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, Vienna, 25 November-20 December 1988*, vol. I (United Nations publication, Sales No. E.94.XI.5).

[2] United Nations publication, Sales No. E.92.IV.1.

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COOPERATION AND COORDINATION OF ACTIVITIES WITH OTHER UNITED NATIONS BODIES AND OTHER ENTITIES

Activities of the institutes comprising the United Nations crime prevention and criminal justice programme network

Report of the Secretary-General

Summary

The present report contains information on the progress achieved in respect of the activities carried out in 1995 by the United Nations Interregional Crime and Justice Research Institute, the affiliated regional institutes and the associate institutes and centres, which together comprise the United Nations crime prevention and criminal justice programme network.

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INTRODUCTION

1. The present report has been prepared in accordance with the recommendations of the Economic and Social Council in its resolutions 1992/22, section IV, and 1994/21, with a view to facilitating the worldwide coordination of activities related to crime prevention and criminal justice. It contains an overview of the progress achieved in respect of the work and activities carried in 1995 by the United Nations Interregional Crime and Justice Research Institute (UNICRI), the affiliated regional institutes and the associate institutes and centres, which together comprise the United Nations crime prevention and criminal justice programme network. The report has been prepared on the basis of contributions received from the institutes and follows the format of previous reports on the subject.

2. In Economic and Social Council resolution 1992/22, section VI, adopted on the recommendation of the Commission on Crime Prevention and Criminal Justice, the Council determined that the following priority themes should guide the work of the Commission in the development of a detailed programme for the period 1992-1996:

(a) National and transnational crime, organized crime, economic crime, including money-laundering, and the role of criminal law in the protection of the environment (hereinafter referred to as priority theme A);

(b) Crime prevention in urban areas, juvenile and violent criminality (hereinafter referred to as priority theme B);

(c) Efficiency, fairness and improvement in the management and administration of criminal justice and related systems, with due emphasis on the strengthening of national capacities in developing countries for the regular collection, collation, analysis and utilization of data in the development and implementation of appropriate policies (hereinafter referred to as priority theme C).

I. MATTERS DRAWN TO THE ATTENTION OF THE COMMISSION

3. The United Nations crime prevention and criminal justice programme network continues to deliver numerous and varied programme services throughout the various regions. The main activities of the institutes have generally focused on the priority themes identified by the Commission. In the present report, their operational activities have been highlighted, with emphasis on activities through which the institutes have responded to the needs expressed by Member States.

4. In the present report, information is included for the first time on the activities of two new associate institutes of the programme, namely the National Institute of Justice of the United States Department of State and the Raoul Wallenberg Institute of Human Rights and Humanitarian Law.

5. The Commission may wish to determine the usefulness of the type of information provided by the institutes for the preparation of the present report.

6. The attention of the Commission is drawn to the report of the Tenth Joint Programme Coordination Meeting of the United Nations Crime Prevention and Criminal Justice Programme Network (E/CN.15/1996/CRP.2), which was held at Courmayeur, Italy, from 17 to 18 October 1995.

7. The Economic and Social Council, in its resolution 1994/21, requested the Commission to keep the functioning and programme of work of the African Institute for the Prevention of Crime and the Treatment of Offenders under active review, aiming at integrating it fully into the overall crime prevention and criminal justice programme. Further information on the activities of the African Institute is contained in a report of the Secretary-General (A/50/375).

8. The information provided by most institutes on their financial situation shows that their resource base is precarious. The Commission may wish to consider possible measures to match the programme development with the availability of funds.

II. ACTIVITIES OF THE UNITED NATIONS INTERREGIONAL CRIME AND JUSTICE RESEARCH INSTITUTE

9. UNICRI, established within the framework of Economic and Social Council resolution 1086 B (XXXIX), has continued to carry out a wide range of activities, focusing on action-oriented research, training and technical cooperation, particularly on issues of concern to developing countries and countries with economies in transition.

1. Research and project activities

10. The following research and project-related activities were carried out by UNICRI in 1995:

(a) Substantive and organizational work for the workshop entitled "Environmental protection at the national and international levels: potentials and limits of criminal justice", organized, with the assistance of all other members of the United Nations crime prevention and criminal justice programme network, within the framework of the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders. The preparations involved, *inter alia*, a comprehensive study of three types of polluting behaviour and the manner in which they were dealt with (priority theme A);*

(b) A project to study, on a comparative basis, strategies, including laws and procedures, used in the fight against organized crime with a view to preparing a menu of options, for use in training and technical cooperation activities (priority theme A);

(c) A project document on anti-corruption strategies (including the collection of case-studies and the development of training modules), currently the subject of negotiations for funding (priority theme A);

(d) Completion of an international bibliography on violence in the family, as part of the contribution of UNICRI to both the International Year of the Family and the Fourth World Conference on Women: Action for Equality, Development and Peace, held at Beijing from 4 to 15 September 1995 (priority theme B);

(e) Completion of a comparative study on child abuse in six European countries (Belgium, Denmark, France, Italy, Switzerland and United Kingdom of Great Britain and Norther Ireland) and production of a final report, an executive summary of which is to be published shortly in the Issues and Reports series (priority theme B);

(f) A project on promoting women's action in substance abuse prevention in Mediterranean countries (Egypt, Jordan, Lebanon, Libyan Arab Jamahiriya, Morocco and Tunisia), funded by the European Commission, to develop sets of proposals for the organization of local training activities for peer group trainers (priority theme B);

(g) Continuous participation in, and responsibility for, the international crime (victim) survey, including several related activities, mainly focusing on the analysis and presentation of the main results and achievements of the sweeps of the international crime (victim) survey done in the period 1989-1994 and preparation for the third sweep in 1996 (priority theme B);

(h) Collection of information from a number of countries with large Gypsy populations as part of a possible joint project involving the United Nations Children's Fund (UNICEF) and UNICRI aimed at examining ways of alleviating perceived discrimination against Gypsy children in the context of juvenile justice systems (priority theme B).

2. Technical cooperation and advisory services

11. The following activities involving technical cooperation and advisory services were undertaken in 1995:

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*For the report of the workshop, see *Report of the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Cairo, 29 April-8 May 1995* (A/CONF.169/16/Rev.1, paras. 355-369). The report will subsequently be issued as a United Nations sales publication.

(a) In the context of the preparations for the third international crime (victim) survey, technical cooperation missions were conducted in the following countries: Albania, Bolivia, Mongolia, Romania and Zimbabwe. Pilot surveys were carried out between July and October 1995 and the full-fledged surveys were to commence in January 1996 (priority theme C);

(b) A project to provide assistance to Albania in the prevention of crime and the administration of justice was concluded in 1995 with a one-week training course for Albanian judges and prosecutors conducted at Tirana. The project was carried out in collaboration with the Consiglio Superiore della Magistratura (priority theme C);

(c) At the request of the Government of Kyrgyzstan, UNICRI participated in a needs assessment mission funded by the United Nations Development Programme (UNDP), with an Interregional Adviser from the Crime Prevention and Criminal Justice Branch of the Secretariat and a senior UNDP consultant in September 1995 (priority theme C);

(d) In collaboration with the Italian Ministry of Health, UNICRI developed a pilot training project, funded by the Ministry for trainers of personnel in public drug treatment services. Three pilot courses, each involving 50 senior personnel, were held and the curriculum and the lessons learned are to be used in technical cooperation projects (priority theme C).

3. Conference and meetings

12. In 1995, UNICRI organized, or provided major input to, the following conferences and meetings:

(a) A meeting on the theme "Crime and criminal justice in the Mediterranean area: promotion of informed decision-making and international cooperation", held in Malta in February 1995; the meeting was attended by international experts and representatives of Algeria, Egypt, Libyan Arab Jamahiriya, Malta, Morocco and Tunisia, organized in association with the University of Malta (priority theme C);

(b) A meeting on protection of the environment through criminal law, organized by the Council of Europe at Strasbourg, France, in March 1995 (priority theme A);

(c) Within the framework of the Ninth Congress, held at Cairo from 29 April to 8 May 1995:

(i) A workshop entitled "International cooperation and assistance in the management of the criminal justice system: computerization of criminal justice operations and the development, analysis and policy use of criminal justice information", in collaboration with the European Institute for Crime Prevention and Control, affiliated with the United Nations (priority theme C);

(ii) A workshop entitled "Environmental protection at the national and international levels: potentials and limits of criminal justice" (priority theme A);

(iii) An ancillary symposium on computerization, in collaboration with the European Institute for Crime Prevention and Control, affiliated with the United Nations (priority theme C);

(d) Three meetings on promoting women's action in substance abuse prevention, with representatives of the United Nations International Drug Control Programme (UNDCP), the United Nations Educational, Scientific and Cultural Organization, the World Health Organization and the European Commission: two in Paris, held in June and December 1995, and one at Casablanca, Morocco, held in October 1995 (priority themes B and C);

(e) A meeting on policies and priorities in drug control in the context of the administration of criminal justice, held at Budapest in September 1995 (priority themes A and C); and panels at the Fourth World Conference on Women, held at Beijing in September 1995, on the following:

- (i) Women and drug abuse and addiction, in collaboration with UNDCP;
- (ii) Human rights of women (follow-up strategies from Vienna to Beijing), in collaboration with the Centre for Human Rights of the Secretariat, the Office of the United Nations High Commissioner for Refugees (UNHCR) and the International Labour Office;
- (iii) Violence against women, in collaboration with UNHCR and the United Nations Development Fund for Women (UNIFEM) (priority themes B and C);

(f) The Tenth Joint Programme Coordination Meeting of the United Nations Crime Prevention and Criminal Justice Network, held in collaboration with the International Scientific and Professional Advisory Council at Courmayeur, Italy, in October 1995;

(g) The coordination meeting for the international crime (victim) survey, in association with the Ministry of Justice of the Netherlands, held at The Hague in November 1995 (priority theme C); and the sixth regular session of the UNICRI Board of Trustees, held at Rome from 20 to 21 November 1995.

13. In addition, UNICRI participated in various meetings of the Crime Prevention and Criminal Justice Branch, UNDCP, the Council of Europe and other intergovernmental organizations.

4. Information dissemination and publication services

14. During the period under review, UNICRI issued publications on the following:

(a) *Development and Policy Use of Criminal Justice Information*,[1] containing the results of a Beijing seminar on the development and policy use of criminal justice information. It was published jointly by UNICRI and the ministries of justice of China and of the Netherlands as the first UNICRI publication in Chinese and English. A total of 1,500 copies of the publication were distributed to Chinese courts and justice offices (priority theme C);

(b) *A World Directory of Criminological Institutes*;[2]

(c) *Criminal Victimisation in the Developing World*,[3] containing an analysis of information relating to the international crime (victim) survey (priority theme C);

(d) In the UNICRI Issues and Reports series, in English and French (priority themes B and C):

- (i) *Violence in the Family*,[4] containing an executive summary of the international bibliography on violence in the family, as well as data from the international crime (victim) survey;
- (ii) *Women's Victimization in Developing Countries*;[5]

(e) UNICRI information material:

- (i) UNICRI biannual report for the period 1993-1994;
- (ii) International crime (victim) survey brochure;

(iii) UNICRI leaflet;

(iv) UNICRI Library Management System leaflet;

(f) UNICRI reports (restricted distribution) on the following:

(i) Environmental protection at the national and international levels: potentials and limits of criminal justice (two volumes) (priority theme A);

(ii) *Violence in the Family: An International Bibliography with Literature Review* (priority theme B);

(iii) Manual for the international crime (victim) survey for face-to-face interviews (priority theme C);

(g) A UNICRI commercial publication: probation around the world (a comparative study), containing an international survey on probation systems and services in Australia, Canada, Hungary, Israel, Japan, Papua New Guinea, Philippines, Sweden and United Kingdom.

15. Documentation services have been further streamlined to provide more efficient support of UNICRI research, training and technical cooperation activities. The electronic Library Management System has been further refined and its thesaurus completed. It is expected that the Library Management System will become accessible through the Internet in 1996.

5. *Resources*

16. Italy remains the principal benefactor of UNICRI in terms of the provision of both funding and other assistance, including accommodation and associated services. The Ministry of Foreign Affairs is a major contributor to UNICRI resources. Its Directorate-General for Development Cooperation financed the above-mentioned project providing assistance to Albania in the prevention of crime and the administration of justice and the meeting on crime and criminal justice in the Mediterranean area. The Government of the Netherlands is funding UNICRI missions to developing countries and countries with economies in transition that are participating in the international crime (victim) survey. The Government of Japan has provided an associate research expert.

17. A number of potential donor Governments, development institutions, banks and funds have been approached with a view to obtaining contributions to the core resources or specific project activities of UNICRI.

18. UNICRI experienced a reduction in its income, from US$ 7.3 million in the biennium 1992-1993 to US$ 4.5 million in the biennium 1994-1995. Consequently, its staff was reduced by three professionals and six general service staff members. At present, of its 22 staff members, 9 are professionals, 1 is an associate expert and 12 are general service staff.

III. ACTIVITIES OF THE AFFILIATED REGIONAL INSTITUTES

A. Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders

19. The Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders continued to focus on training and research to promote regional cooperation in the field of crime prevention and criminal justice and to contribute to sound social development in Asia and the Pacific.

1. Research and project activities

20. Comparative research on the criminal justice systems in Asia and the Pacific was conducted by the Asia and Far East Institute, in cooperation with Australian Institute of Criminology. An expert in each of the 12 countries in the region was requested to make a report on the criminal justice system in his or her country (priority theme C).

21. Research on juvenile welfare in India is being conducted jointly by the Research and Training Institute of the Ministry of Justice of Japan and the National Institute of Social Defence of India. The research, which started in April 1993, is scheduled to last until March 1996 (priority theme B).

2. Technical cooperation and advisory services

22. Pakistan and the Asia and Far East Institute organized a joint seminar on the contemporary issues concerning criminal justice: a comparative study. Up to 180 participants from various criminal justice sectors attended the seminar, which was held at Islamabad from 12 to 16 March 1995. A joint seminar organized by Fiji and the Asia and Far East Institute is scheduled to take place in Fiji from 11 to 16 March 1996 (priority theme C).

23. The third regional seminar on effective measures against drug offences was organized jointly by the Asia and Far East Institute and the Latin American Institute for the Prevention of Crime and the Treatment of Offenders. Twenty participants from Latin America and the Caribbean attended the seminar, which was held at San José from 31 July to 11 August 1995 (priority theme A).

24. A Chinese-Japanese special seminar for high-ranking officers in the criminal justice system was held in Japan from 10 to 29 July 1995. Thirty Chinese officers participated in the seminar (priority theme C).

3. Training

25. Each year the Asia and Far East Institute conducts two international training courses lasting three months and one international seminar course lasting one month. Each year, approximately 60 government officials from various countries are given fellowships by the Japan International Cooperation Agency of the Ministry of Foreign Affairs to participate in the courses. The training courses held during the period under review include the following:

(a) The 99th international seminar was held at Fuchu, Japan, from 30 January to 2 March 1995. Twenty-one high-ranking officers from various regions participated in the seminar, the theme of which was "The effective administration of criminal justice: public participation and the prevention of corruption" (priority theme A);

(b) The 100th international training course was held from 17 April to 7 July 1995. Persons from 18 countries in various regions participated in the course, the main theme of which was "The institutional treatment of offenders: relationships with other criminal justice agencies and current problems in administration" (priority theme C);

(c) The 101st international training course was held from 11 September to 1 December 1995. Persons from 19 countries in various regions participated in the course, the main theme of which was "The fair and efficient administration of criminal justice: the proper exercise of authority and procedural justice" (priority theme C).

4. Information dissemination and publication services

26. Reports on training courses and seminars continue to be published regularly by the Asia and Far East Institute. The results of the survey on criminal justice information and the data gathered from countries in Asia and the Pacific, which was conducted by the Asia and Far East Institute in collaboration with the Australian Institute of Criminology, were compiled and published in *Crime Trends in Asia and the Pacific* at the beginning of 1995 and were submitted to the Ninth Congress (priority theme C).

27. Since the last reporting period, one issue (No. 46) of the *Resource Material Series* and three issues (Nos. 85-87) of the newsletter of the Asia and Far East Institute were published. The two publications are periodically sent to all alumni of the Asia and Far East Institute, visiting experts and related organizations in and outside of Japan.

28. In 1995, in commemoration of the 100th international seminar or training course, the Asia and Far East Institute, under the sponsorship of the Japanese International Cooperation Agency, compiled an access list of alumni of the institutes. Two public lectures were given by visiting experts: one on structure and practices for the investigation of bribery of public officials in the United States and the other on the crime control strategy in Singapore (priority themes A and C).

5. Resources

29. The Asia and Far East Institute has 10 professional faculty members, selected from public prosecutors' offices, the judiciary, corrections and probation, and 20 supporting staff members. Its annual budget is around 350 million yen.

30. Financial and administrative responsibilities for running the Asia and Far East Institute continued to be assumed by the Government of Japan. The budget for the international training and seminar programmes of the Asia and Far East Institute is provided by the Ministry of Justice. Visiting experts from outside the country were invited by the Ministry of Justice for each training course. The Japanese International Cooperation Agency and the Asia Crime Prevention Foundation provided financial assistance. The Asia and Far East Institute has also received valuable assistance from various experts, volunteers and related agencies in conducting its training programmes.

B. Latin American Institute for the Prevention of Crime and the Treatment of Offenders

31. The Latin American Institute for the Prevention of Crime and the Treatment of Offenders continued to assist countries in the region, providing specialized services in response to their increasing needs. Such services included implementing programmes and projects based upon research to provide policy guidance.

1. Research and project activities

32. The Latin American Institute carried out the following studies, programmes and projects at the regional level:

(a) Continuation of a regional programme on effective countermeasures for combating drug crimes and improving the administration of criminal justice (priority theme C);

(b) Continuation of a regional programme on women, criminal justice and gender (priority theme C);

(c) Continuation of a regional programme on human rights, juvenile justice and minors in custody (priority theme B);

(d) Continuation of a regional programme on the administration of justice as the guarantor of human rights (priority theme C);

(e) Continuation of a programme on the State's response to the victimization and criminalization through drugs of young segments of the population (priority theme B).

33. The subregional activities of the Latin American Institute included:

(a) Preparation and implementation of the plan of action on crime prevention and criminal justice in Central America for the period 1995-1998, approved at the Sixteenth Meeting of Presidents of Central America, held at Tegucigalpa, Honduras, from 24 to 25 October 1994, on the occasion of the International Conference on Peace and Development in Central America, in an effort to seek a concerted regional response to improve the performance of the administration of the criminal justice systems, in particular against organized crime and corruption (priority themes A, B and C);

(b) Continuation of a programme on the strengthening of the coordination mechanisms of the justice sector in Central America (priority theme C);

(c) Continuation of a programme on the training of judicial instructors and lay judges in Central America (priority theme C);

(d) Continuation of a programme on the strengthening of the administration of justice information system at the documentation centre of the Latin American Institute to promote the dissemination and the exchange of information among the national, subregional, regional and international institutions of the justice sector and for the development and implementation of the research and technical assistance projects of the Latin American Institute (priority theme C);

(e) Continuation of a programme on legal reform for the eradication of illicit drug trafficking crimes in Central America (priority theme A);

(f) Continuation of a programme on police training to prevent and combat domestic violence and strengthen the victim's rights in Central America (priority theme B);

(g) Continuation of a programme on overall care of street children in Central America (priority theme B);

(h) Continuation of a programme on the situation of women in custody in Central America (priority theme C);

(i) A programme on preventing the recidivism of offenders through action aimed at their reintegration into society and the workforce (priority theme C);

(j) Programme of consultation with the civil society of each Central American country regarding the progress of the plan of action on crime prevention and criminal justice in Central America;

(k) Programme on pre-trial detainees and alternative measures to imprisonment (priority theme C).

34. At the national level, the Latin American Institute carried out the following activities:

(a) In Colombia, the strengthening of volunteer work in corrections (priority theme C);

(b) In Costa Rica, the improvement of the administration of justice (priority theme C);

(c) In the Dominican Republic, the strengthening of the public defence services (priority theme C);

(d) In Ecuador, criminal procedural reform, and a programme to strengthen public defence services;

(e) In Nicaragua, continuation of the programme for strengthening the judicial school;

(f) In Peru, the compilation of a national register of detainees (priority theme C).

2. Technical cooperation and advisory services

35. The Latin American Institute continued to provide technical assistance in various fields of interest for countries in the region, with the cooperation and financial support of Governments in and outside the region.

3. Information dissemination and publication services

36. The publications issued by the Latin American Institute in 1995 included the following:

(a) "Cuando el género suena cambios trae: una metodología para introducir la perspectiva de género en la legislación" (When gender is noted, changes come: a methodology for the introduction of the perspective of gender in legislation);

(b) "Las mujeres a ambos lados del encierro: situación de la mujer en el sistema penitenciario en Centroamérica" (Women on both sides of confinement: the situation of women in the Central American correctional system) (priority theme C);

(c) "Compilación de instrumentos internacionales sobre los derechos de la mujer" (compilation of international documents on women's rights);

(d) "Manual de capacitación en violencia doméstica para el curso básico policial en Costa Rica" (Training manual on domestic violence for the basic police course in Costa Rica) (priority theme B);

(e) "Manual para facilitadores sobre tratamiento grupal para víctimas de incesto" (Facilitators manual on group therapy for victims of incest) (priority theme B);

(f) "Legislación especial en materia de drogas en centroamérica: indices temáticos" (Special legislation on the subject of drugs in Central America: thematic indices) (priority theme A);

(g) Boletín "Cooperación al Día" (Nos. 5 y 6) ("Cooperation to date" bulletin (Nos. 5 and 6));

(h) "Anteproyecto de código de la niñez y la adolescencia en Guatemala" (Draft code on childhood and adolescence in Guatemala);

(i) "Bases para la nueva legislación juvenil salvadorena: diagnóstico jurídico y sociológico del sistema vigente" (Bases for the new Salvadoran juvenile legislation: juridical and sociological diagnostic study of the existing system);

(j) "Niños, niñas y adolescentes privados de libertad: bases para la nueva legislación penal en Guatemala; diagnóstico jurídico y sociológico del sistema vigente" (Imprisoned children and adolescents: bases for the new Guatemalan penal legislation; juridical and sociological diagnostic study of the existing system);

(k) "La niñez y la adolescencia en conflictos con la ley penal: el nuevo derecho penal juvenil; un derecho para la libertad y la responsabilidad" (Childhood and adolescence in conflict with criminal law: the new juvenile penal legislation; law for freedom and responsibility.

4. Resources

37. The core staff of the Latin American Institute consists of 21 persons: 9 technical and 12 administrative staff members. Consultants are contracted on a short-term basis in conjunction with the implementation of projects. The Latin American Institute received a total of US$ 2,571,029 from donor agencies for the execution of 15 projects. The overhead provided by the projects was US$ 359,300. In addition, US$ 130,928 were received from the Institute's trust fund, US$ 6,500 from contributions made by Governments in Latin America and US$ 62,971 from other sources. Thus, the total operational budget of the Institute for 1995 was US$ 559,699.

38. Contributions for the operations of the Latin American Institute were received from the host country and 13 other Governments in the region, as well as from Denmark, Japan, Netherlands, Spain, United States, UNDCP, the European Commission, the Organization of American States and the Inter-American Drug Control Commission (CICAD).

C. European Institute for Crime Prevention and Control, affiliated with the United Nations

39. The activities of the European Institute for Crime Prevention and Control, affiliated with the United Nations, are based on two criteria: (a) the priority themes as determined by the Economic and Social Council in its resolution 1992/22, section VI; and (b) the special regional concerns in Europe, focusing on the European countries with economies in transition.

1. Research and project activities

40. Research and project-related activities undertaken by the European Institute included:

(a) Validation and reassessment work on the European and North American replies to the Fourth United Nations Survey of Crime Trends and Operations of Criminal Justice Systems prior to the publication, in time for submission to the Ninth Congress, of a two-volume report on the results of the analysis (priority theme C);

(b) An analysis, based on existing documentary sources, on the smuggling of migrants in northern Europe and the Baltic States, carried out by an external consultant, as a contribution to the discussion on this priority issue at the fourth session of the Commission (priority theme A);

(c) The conducting of a minor survey on the potential of criminal justice systems as instruments to integrate migrants in various countries of Europe (priority theme A);

(d) Initiation of the establishment of a regional clearing-house for cooperative projects for improving support for the development of the crime prevention and criminal justice systems of central and eastern Europe was initiated, in line with Economic and Social Council resolution 1995/12; and the collection of information by means of a questionnaire (several replies had already been received by 31 December 1995) (priority theme C);

(e) Exploration, jointly with UNDP, of the feasibility of establishing in the Baltic States national pilot projects, connected with the above-mentioned clearing-house project, which, if they prove viable, may be extended later to include other European countries (priority theme C);

(f) Involvement in the project on regulation of firearms, through the identification of an external consultant to serve as the European member of the expert group that will develop and coordinate the project; and participation of a staff member from the European Institute at the first ad hoc meeting concerning the implementation of the project, which was held at Vienna from 18 to 20 December 1995 (priority theme A);

(g) Involvement in the planning and development of a project for the Fifth United Nations Survey on Crime Trends and Operations of Criminal Justice Systems; and exploration of possibilities for cooperation with the Council of Europe in the project on the "European sourcebook", which would include detailed data on crime trends and criminal justice in the member States of the Council of Europe (priority theme C);

(h) Continuation, by a consultant from the European Institute, of the study of prison systems in several central and eastern European countries, focusing on the way in which progress is being achieved in developing prison administration and regimes in line with the Standard Minimum Rules for the Treatment of Prisoners,[6] and the European Prison Rules of the Council of Europe (priority theme C);

(i) Organization, in cooperation with the Ministry of the Interior of the Russian Federation, of the first planning meeting for the international project on the prevention and control of car theft and international smuggling of stolen cars, at Moscow from 12 to 14 December 1995 (priority theme A).

2. *Technical cooperation and advisory activities*

41. The European Institute assisted the Council of Europe by commenting on the draft Code of Criminal Procedure of Latvia. A follow-up meeting on the evaluation of the status of the law reform was held in September 1995 at Riga. A first needs assessment mission was carried out, in consultation with UNICRI, in Estonia in connection with the adoption of a national crime prevention programme.

42. Five short-term scholarships for postgraduate students and junior practitioners from the European region were granted. Needs assessment missions continued to be carried out to analyse the potential of the computerization of criminal justice administration in the Russian Federation. As a result, an external consultant has prepared a draft project document on assistance in the introduction of computerization into the criminal justice system of the Russian Federation. Draft project documents on corresponding projects were submitted to the authorities of Bulgaria and Slovenia.

3. *Meetings and conferences*

43. The European Institute was heavily involved in organizing various Ninth Congress activities including the following:

(a) Contribution to the working paper, prepared for the Ninth Congress by the Secretariat, entitled "International cooperation and practical technical assistance for strengthening the rule of law: promoting the United Nations crime prevention and criminal justice programme" (A/CONF.169/4) (topic I);

(b) The two-day workshop entitled "International cooperation and assistance in the management of the criminal justice system: computerization of criminal justice operations and the development, analysis and policy use of criminal justice information" and the ancillary symposium on computerization, coordinated by an external consultant (priority theme C);

(c) The joint presentation of the United Nations crime prevention and criminal justice programme network, which consisted of a display including posters, a publication on the institutes comprising the programme network and a video programme;

(d) The provision of assistance to UNICRI in organizing the two-day workshop entitled "Environmental protection at the national and international levels: potentials and limits of criminal justice" (priority theme A).

44. The European Institute participated in the first meeting of the International Advisory Committee on Domestic Violence, organized at Vancouver, Canada from 23 to 27 January 1995 by the International Centre for Criminal Law Reform and Criminal Justice Policy, in cooperation with some other entities (priority theme B). The European Institute was also represented at the Fourth World Conference on Women and at the First Meeting of the Multilateral Task Force on Democracy, Governance and Participation in Central and Eastern Europe and the Commonwealth of Independent States, organized by UNDP, in cooperation with UNCHR, at Geneva from 16 to 18 January 1995.

4. *Information dissemination and publication services*

45. The following publications were issued by the European Institute during the reporting period:

(a) Three new volumes (on Finland, Ireland and Sweden) in the publication series providing background data on the various criminal justice systems in Europe and North America, in English;

(b) A two-volume report on the results of the European and North American analysis of the replies to the Fourth United Nations Survey of Crime Trends and Operations of Criminal Justice Systems, the first volume containing the cross-national results and the second one containing brief descriptions of the criminal justice systems of 50 countries in Europe and North America (priority theme C);

(c) A directory on computerized criminal justice information systems that provides not only the specifications (i.e. a description of the software application of the hardware needed), but also information on how the applications can be obtained (priority theme C);

(d) An updated and expanded second edition of an earlier report on crime prevention strategies in Europe and North America (priority theme C);

(e) Four new issues of the Occasional Papers series of the European Institute, on developments in the prison system in central and eastern Europe; crime, justice and human rights in the Baltics; organized crime across the borders; and alien-smuggling and uncontrolled migration in northern Europe and the Baltic;

(f) A report, commissioned by the European Institute, on money-laundering was published by the International Scientific and Professional Advisory Council (priority theme A);

(g) A biannual *Newsletter*, including a "grey literature file" and information on seminar reports and other material.

46. Intensified cooperation with the World Criminal Justice Library Network was initiated by means of transferring data on recent library acquisitions of the European Institute to the database of the Network.

5. *Resources*

47. The staff of the European Institute consists of six persons. Four of them are in the professional category and two others provide administrative support. The activities of the European Institute continued to be funded by the Government of Finland, with a budget allocation of 2.3 million markkaa, the equivalent of about US$ 540,000. The Institute received contributions from the Government of Sweden for project financing and from the United States for a specific project. Projects were also financed on a cost-sharing basis with Governments, in particular the Netherlands and the United Kingdom.

D. African Institute for the Prevention of Crime and the Treatment of Offenders

48. The African Institute for the Prevention of Crime and the Treatment of Offenders, despite its serious financial limitations, continued to serve the needs of African countries in this field, acting as a vehicle for coordination and collaboration in the fight against crime.

1. *Research and project activities*

49. Further to the success of the study conducted during the last reporting period on the resettlement of street children at Kampala, the African Institute, in collaboration with intergovernmental and non-governmental agencies, is replicating the approach proposed in the study on a larger scale in Uganda and in other African countries (priority theme B).

50. The report of a study on the rehabilitation of offenders constituted a background document for the second conference of southern, central and eastern African heads of correctional services, held at Kampala in February 1995. Possible future cooperation with UNICEF should lead to a study focusing on children and juvenile detention facilities (priority theme C).

51. The African Institute continued to participate in the United Nations surveys of crime trends and operations of criminal justice systems. The African countries are being encouraged to effectively participate in the Fifth Survey. Where necessary, the African Institute assisted States in developing and putting in place mechanisms for the collection, analysis and presentation of data on crime prevention and criminal justice.

52. The African Institute developed a number of proposals for joint activities focusing on transnational crime in Africa, urban crime prevention, violence against women and children, juvenile justice and administration, environmental crime, and training courses on the treatment of offenders, which were submitted to different international organizations (priority themes A and C).

2. *Technical cooperation and advisory services*

53. Because of its precarious financial situation, the Institute was unable to undertake advisory missions during the reporting period. Burundi and Zambia requested advisory services and offered to meet all related expenses, but the missions did not take place because of impediments in those countries.

3. *Training*

54. Training activities continued to be geared towards upgrading the skills, knowledge and expertise of crime prevention and criminal justice personnel in the African region. As in the past, priority was given to the training of trainers. Since its establishment, the African Institute has carried out 12 training seminars and workshops, involving over 310 persons in the field of criminal justice and in other related fields and covering all subregions in Africa.

55. The African Institute cooperated with the African Centre for Democracy and Human Rights Studies in a training course on the protection of human rights, held at Banjul from 26 to 30 June 1995; the course was attended by 18 senior military officers from 16 African countries (priority theme C). Further training courses to be held during the current biennium have been designed, and funding for them is being negotiated with relevant agencies.

4. *Conferences and meetings*

56. During the reporting period, the African Institute participated in a number of international, regional, subregional and national meetings and seminars, including the following: the twenty-first meeting of the Conference of Ministers of the Economic Commission for Africa, held at Addis Ababa from 20 to 27 April 1995; the Ninth Congress, held at Cairo from 29 April to 8 May 1995; the third meeting of the World Criminal Justice Library Network, held at Villingen-Schwenningen, Germany, from 12 to 27 May 1995; the Eighth Meeting of Heads of National Drug Law Enforcement Agencies, Africa, held at Kampala from 23 to 27 October 1995 (priority theme A); and the international conference on urban security, held at Saint-Denis, Réunion, from 4 to 8 December 1995 (priority theme B).

57. From 10 to 14 July 1995, the African Institute acted as host for a workshop on the training of trainers of the custodial corps of Malawi, Uganda and the United Republic of Tanzania, which was organized and funded by the Crime Prevention and Criminal Justice Branch and was attended by 31 participants (priority theme C). A paper entitled "An intervention level in the rehabilitation of children in a difficult situation" was presented at the conference on traumas of children and youth in armed conflict, held at The Hague from 20 to 21 November 1995 (priority theme B).

58. The Deputy Director of the African Institute served as one of the visiting experts at the 99th international seminar of the Asia and Far East Institute for Crime Prevention and the Treatment of Offenders. On that occasion, contacts were established with the Japanese International Cooperation Agency for possible funding.

5. *Information dissemination and publication services*

59. During the period under review, the African Institute published its newsletter (vol. 5, Nos. 1 and 2 (1994) and vol. 6, No. 1 (1995)) in English and French. The reports of two training workshops, on law, women and crime and on management of prisons and prisoners, were published in English and French (priority theme C). The findings of the study on the resettlement of street children at Kampala and the study on the rehabilitation of prisoners were also published (priority themes B and C).

60. The compilation of African country profiles and the roster of African experts in the field of crime prevention and criminal justice continued to be expanded during the reporting period. Through the assistance provided by other institutes in the programme network and relevant organizations, the African Institute was able to continue developing its reference library specializing in the fields of the prevention of crime and the treatment of offenders.

6. *Resources*

61. The financial situation of the African Institute continued to be precarious. In accordance with its statute, the administrative and programme costs were to be defrayed by financial contributions from African member States. However, by the end of August 1995, of the expected collection of US$ 1,511,766 from all 27 member States for the period 1989-1995, only US$ 224,813 had been remitted. One State had remitted its contribution in full up to December 1996; two States had remitted their contributions up to 31 December 1994; one State had remitted its contribution up to December 1993; another had remitted its contribution up to December 1992; and four other States had made partial payments against their assessed contributions for the period 1989-1994.

62. The execution of the activities of the African Institute was made possible largely by the financial assistance provided by UNDP, which has contributed US$ 1,663,311 to the African Institute since its inception in 1989. However, UNDP assistance ended in 1994, when the African Institute had spent US$ 1,505,429, leaving US$ 157,882 unspent. That amount was rephrased and spent in 1995.

63. The African Institute has six professional staff members, including the Director, and six general service staff, with an overall budget of US$ 487,534.

IV. ACTIVITIES OF THE ASSOCIATE INSTITUTES

A. Arab Security Studies and Training Centre

64. The Arab Security Studies and Training Centre, an intergovernmental organization and a specialized centre operating under the aegis of the Council of Ministers of the League of Arab States, continued to carry out various interdisciplinary and cross-sectoral activities to serve the needs of Arab States and provide direct assistance to them in the context of Islamic law, in the fields of crime prevention, security and safety.

1. Research and project activities

65. In its comparative research and policy development and evaluation activities, the Centre maintained close consultation with high-level policy makers in the subregion. Its research finding continued to be used directly by national and regional agencies. In 1995, the following research projects and studies were designed for implementation:

(a) Development of security in the mass media; water resources and future security requirements; protection of the environment from pollution; and the Islamic approach in treating the problem of population (priority theme A);

(b) Drugs and juvenile delinquency; treatment procedures of juvenile delinquents in correctional institutions; development and protection from violent crime; traffic accidents causing physical injuries; and salaries, incentives and their effect upon the efficiency of security personnel (priority theme B);

(c) Professional satisfaction of security personnel; systems and criteria of nominations, promotions and displacement in the Arab security agencies; data systems and documentation in Arab security agencies; and police and human rights in the context of Islamic law (priority theme C).

2. Technical cooperation and advisory services

66. The consultative services bureau of the Centre continued to provide technical advisory services to Arab countries, upon request. A regional adviser in crime prevention and criminal justice, together with consultants selected from the Centre's roster of experts, assisted in that work.

67. The Centre, in cooperation with other institutes, helped to organize the research workshops of the Ninth Congress and the joint exhibition of the affiliated regional institutes. It acted as host to an international seminar on the media and crime prevention, as well as to the second meeting of directors of forensic laboratories and the fourth meeting of directors responsible for security training in Arab countries.

3. Training

68. The Centre's Graduate School of Criminal Justice continued to offer advanced academic programmes. In June 1995, the Graduate School awarded 29 master's degrees and 16 other diplomas. The Centre's

Training Institute continued to provide short-term training courses and, during the period under review, organized and executed 12 training courses in different fields. The courses covered the following subjects:

(a) Security of communications; combating crimes of terrorism; protection of vital installations; illegal use of narcotics; and mass media and drug control (priority theme A);

(b) Car theft prevention; surveillance inspection and criminal investigation; training of trainers; and crime scene (priority theme B);

(c) Computer analysis of data and criminal statistics; traffic accidents and road investigation; and upgrading the performance of officers of ministries of the interior (priority theme C).

69. The Centre's Forensic Science Laboratory continued to offer specialized courses for laboratory personnel in Arab States and to conduct advanced courses on the identification, detection and analysis of narcotic drugs. In 1995, the Laboratory organized and executed 18 training courses in different fields of laboratory science in criminal matters (priority theme A).

4. Conferences and meetings

70. The Centre held conferences, symposia, expert meetings and public lectures, public awareness campaigns and round tables on a wide range of subjects relating to criminal justice and public security.

5. Information dissemination and publication services

71. The Centre's publishing house issued a number of periodical journals and newsletters in Arabic and English, including the biannual *Arab Journal for Security Science*, the biannual *Arab Journal for Training*, the monthly *ASSTC Magazine* and the quarterly *ISPAC Newsletter*, as well as books, reports and other material.

6. Resources

72. The Centre has a staff of 88 professionals and 93 general service staff members.

B. Australian Institute of Criminology

73. Following two reviews of its activities in 1994, the Australian Institute of Criminology underwent a major organizational change. It now has a new mandate, which is to provide quality information and conduct objective policy-oriented research, so as to enable government decisions to be made that will contribute to the promotion of justice and the prevention of crime. To meet its objectives and carry out its functions most effectively, the Institute was restructured in early 1995 into three groups: the Research Group, the Information Services Group and the Administrative Services Group.

1. Research and project activities

74. Early in 1995, research activities were reorganized in four programme areas: violent and property crime; sophisticated crime; the criminal justice system; and data support and development. The Institute worked with the Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders on the analysis of the Fourth Survey, a report on which was published jointly (priority theme C). It also prepared a profile of the Australian criminal justice system, which was published by the Asia and Far East Institute in *Criminal Justice Profiles of Asia*[7] (priority theme C).

75. During the period under review, the Australian Institute of Criminology completed a number of studies and reports, including the following:

(a) *Australian Violence: Contemporary Perspectives II* (priority theme B);

(b) *Promise of Crime Prevention: Leading Crime Prevention Programmes* (priority theme B);

(c) Environmental crime (priority theme A);

(d) *Fear of Crime and Fear Reduction* (priority theme B);

(e) *Crimes against Business in Australia* (priority theme A);

(f) *Australian Deaths in Custody and Custody-related Police Operations 1993-94* (priority theme C);

(g) Domestic violence as a form of child abuse (priority theme B);

(h) *Boot Camps and Justice: A Contradiction in Terms* (priority theme B);

(i) The overrepresentation of indigenous people in custody in Australia (priority theme C).

2. Information dissemination and publication services

76. The Information Services Group of the Australian Institute of Criminology continued to actively market all the new publications of the Institute. It established valuable promotional, marketing and distribution links within and outside Australia. The Institute continued to produce its quarterly series on juveniles under detention (priority theme B) and the programme of national homicide monitoring (priority theme B).

77. In June 1995, the Institute staged the first national outlook symposium on crime in Australia, which was attended by over 400 criminal justice professionals, academics, politicians and social agency personnel.

78. The library of the Institute currently has a collection of approximately 25,000 monographs and 1,000 serial titles. It maintains a database of Australian criminological information, known as CINCH, an index of about 30,000 Australian records relating to crime, crime prevention and criminal justice.

C. International Centre for Criminal Law Reform and Criminal Justice Policy

79. The International Centre for Criminal Law Reform and Criminal Justice Policy was established in 1991 at Vancouver, Canada, as a joint initiative of the Society for the Reform of Criminal Law, Simon Fraser University and the University of British Columbia.

1. Research and project activities

80. The Centre's International Advisory Committee on Domestic Violence, comprised of representatives of the United Nations, federal and provincial governments and foreign experts in the field, met at Vancouver from 23 to 27 January 1995 to recommend a programme delivery plan for implementing the training programme and to revise the core training curriculum developed with the assistance of the Justice Institute of British Columbia. The aim is to have a training curriculum, tested in project courses in several regions and assessed through consultations at the international level, to be made available to those States wishing to develop and strengthen their own long-term capacity to address domestic violence (priority theme B).

81. A consultation document entitled "Opportunities for renewal in sentencing and corrections" has been prepared to serve as the focal point for the development of a programme of work by the Centre, in cooperation with the Correctional Service of Canada, institutes comprising the programme network and other national and international partners. The proposed initiative will put in place a process to build on existing

international and regional cooperation in the field of sentencing and corrections and to promote enhanced forms of collaboration between jurisdictions (priority theme C).

82. The Centre, the University of British Columbia and Simon Fraser University, in collaboration with the Max Planck Institute for Foreign and International Criminal Law of Freiburg im Breisgau, Germany, are continuing a project to develop a common curriculum in criminal law and criminal justice policy.

2. *Technical cooperation and advisory services*

83. The Centre carried out needs assessment and programme development meetings at Shanghai and Beijing in April 1995 with the financial assistance of the Canadian International Development Agency. A report on the meetings, entitled "Opening the door", was produced and is available from the Centre (priority theme C). The Centre is developing a technical assistance and advisory programme aimed at assisting China in building the necessary administrative and legal structures in the area of criminal law and criminal justice in accordance with democratic principles and respect for human rights. The programme plan will form the basis for a collaboration agreement with the relevant Chinese institutions negotiated in the second half of 1995. The implementation of the first phase of the programme will be from 1 October 1995 to 31 December 1996.

84. Two Vietnamese scholars in criminal law and constitutional law, from the National Centre for Social Sciences and Humanities and the Institute of State and Law at Hanoi, went to the International Centre for Criminal Law Reform and Criminal Justice Policy and to the centre for Asian legal studies at the University of British Columbia in March 1995. In June 1995, two staff members from the International Centre for Criminal Law Reform and Criminal Justice Policy travelled to Viet Nam, thus beginning an exchange with Vietnamese officials on constitutional rights and the rule of law. The potential for technical cooperation in the areas of human rights, justice policy, constitutional law, use of criminal law in environmental matters and legal reform was explored (priority themes A and C).

85. In mid-1995, the Centre initiated a joint project with the Crime Prevention and Criminal Justice Branch and UNICRI to produce a reference document for civil police personnel involved in United Nations peace-keeping operations.

3. *Conferences and meetings*

86. The Centre assisted in the organization of and attended the eighth International Conference of the Society for the Reform of Criminal Law, held in Hong Kong from 4 to 8 December 1994, on the theme "The corporation and the criminal law: victim and violator" (priority theme A).

87. Within its activities to foster exchanges and experiences between countries on aboriginal justice, the Centre organized a workshop at Vancouver in July 1995, bringing together a multidisciplinary group of experts including native people from six countries.

88. The Centre participated in a meeting of experts held at Ste. Adèle, Canada, from 28 February to 3 March 1995. The meeting, which was organized and sponsored by the international centre for human rights and democratic development, brought together 30 experts from governments, international and non-governmental organizations, the military, academics and politicians to examine issues relating to state sovereignty and humanitarian intervention in cases of gross breaches of human rights. The International Centre for Criminal Law Reform and Criminal Justice Policy, with the Canadian Committee for the Fiftieth Anniversary of the United Nations, organized a seminar on the theme "States without law: the role of multilateral intervention to restore local justice systems", which was held at Vancouver on 9 December 1995.

4. Information dissemination and publication services

89. In March 1995, the Director of the International Centre for Criminal Law Reform and Criminal Justice Policy presented to the Southwestern University School of Law at Los Angeles a paper on the work of the Centre in research on proceeds of crime and money-laundering (priority theme A). A public lecture on the theme "Right to the homeland: ethnic cleansing and the international criminal tribunal" was arranged as part of the Foreign Affairs and International Trade Canada Lecture Series of the Centre, in collaboration with the Faculty of Law at the University of British Columbia and the School of Criminology at Simon Fraser University.

90. The Centre is negotiating an agreement with the Solicitor General of Canada to prepare two reports on money-laundering issues that would examine the feasibility of mandatory suspicious transaction reporting and another report on preventive measures to combat money-laundering (priority theme A).

91. A bibliography on the exploitation of women and children by organized crime was produced in April 1995 and is available for distribution (priority theme A). A second edition of the *Guide to Internet Resources in Criminal Law and Criminal Justice*[8] was produced in April 1995 and is available both electronically and in print form (priority theme C).

5. Resources

92. On 5 October 1994, the Centre was granted tax-exempt status as a registered charity under paragraph 149(1)(f) of the income tax act of Canada. The staff of the Centre in 1995 consisted of 14 persons, including a visiting fellow and a visiting associate. The overall budget of the Centre is around US$ 500,000.

D. International Institute of Higher Studies in Criminal Sciences

93. The International Institute of Higher Studies in Criminal Sciences at Siracusa, Italy, established in 1972, is a non-governmental organization in consultative status with the Economic and Social Council (category II) and with the Council of Europe. It is a scientific institution devoted to higher education, training, studies and research in all the areas of criminal sciences, including human rights.

1. Conferences and meetings

94. During the period under review, the Institute participated in a number of meetings organized within the framework of the United Nations crime prevention and criminal justice programme and the Ninth Congress on the topic of migration and crime. Each year, the Institute conducts between 10 and 15 programmes in various fields of criminal justice and human rights. As of September 1995, over 150 programmes had been conducted with the presence of over 12,000 jurists from 128 countries.

95. An international conference of experts on the theme "International criminal justice: historic and contemporary perspectives" was held at Siracusa from 5 to 7 December 1994. The conference was organized by the Institute in cooperation with several intergovernmental and non-governmental organizations (priority theme A).

96. International meetings of experts were organized on the following issues:

(a) Arms control and regional security in the Middle East, held from 22 to 25 June 1995 (priority theme A);

(b) The international criminal court, in cooperation with the Crime Prevention and Criminal Justice Branch, the International Association of Penal Law and the Max Planck Institute for Foreign and International

Criminal Law, as well as other non-governmental organizations, held from 24 to 28 June 1995 (priority theme A);

(c) The penal process in comparative law, held from 11 to 14 September 1995 (priority theme C).

97. A national seminar was organized at Noto, Italy, in September 1995 on the theme "Female criminality: cultural stereotypes and misinterpreted realities", in cooperation with the International Scientific and Professional Advisory Council (priority theme B).

98. A series of instructional and educational meetings were held between October 1994 and June 1995 for young lawyers from Siracusa and a number of local conferences and one national seminar were held during the period under review, dealing with numerous aspects of criminal justice, including the role of justice of the peace and penal procedural matters (priority theme C).

2. Information dissemination and publication

99. As of September 1995, 87 books of the Institute's proceedings had been published. Some of the proceedings are contained in *Revue internationale de droit pénal* and *Nouvelles études pénales*. Others are published in-house by the Institute in the Quaderni series.

3. Resources

100. Local government entities constitute the main funding sources of the Institute, together with grants from major international donors. The governing body of the Institute is an independent Board of Directors with 25 members, 16 of whom were elected by the Administrative Council of the International Association of Penal Law. The Institute has a permanent staff of five. Its annual resources range between US$ 500,000 and US$ 800,000.

E. National Institute of Justice of the United States Department of Justice

101. As the research arm of the United States Department of Justice, the National Institute of Justice sponsors research and evaluation with the aim of preventing and reducing crime and improving the operations of the criminal justice system, conducts studies that contribute to the understanding of criminal behaviour, sponsors demonstration or pilot projects that employ innovative or promising approaches in criminal justice and identifies new issues emerging in the field. During the period under review, the Institute commemorated its twenty-fifth year of operation.

1. Research and Project Activities

102. The number of grants awarded by the National Institute of Justice increased from 92 in 1994 to 173 in 1995, in part because of the new initiatives prompted by the enactment of the Violent Crime Control and Law Enforcement Act of 1994 (also known as the Crime Act). In general, the grants were awarded for projects reflecting the six goals that have characterized the research agenda of the Institute for the past several years: reducing violent crime; reducing drug- and alcohol-related crime; reducing the consequences of crime; improving the effectiveness of crime prevention programmes (priority theme B); improving law enforcement and the criminal justice system; and developing new technology for law enforcement and the criminal justice system (priority theme C).

103. The Institute also sponsored studies in certain areas covered by the Crime Act, including community policing, treatment drug courts and corrections, and continued its focus on violence, particularly youth and family violence, as well as substance abuse (priority theme B), firearms control, also in cooperation with the Centers for Disease Control and Prevention. Together with several other United States government agencies,

the Institute has developed an information resource, the Partnerships against Violence Network (PAVNET). PAVNET, which is available electronically, is aimed at locating anti-violence programmes operating all over the country (priority theme B).

104. Innovative mechanisms to complement traditional law enforcement and sanctions to curb drug-related offending have been identified in studies conducted by the Institute, including the use of eviction proceedings and mapping technology, which generates information about "hot spots" of drug activity in specific locales (priority theme B). The Institute is also sponsoring studies of anti-crime initiatives based in local areas, as well as community courts and "community prosecution" (priority theme B).

2. *Technical cooperation and advisory services*

105. The Institute, with a view to promoting the worldwide exchange of criminal justice information, continues to administer the International Document Exchange programme. In the past year four new members were welcomed into the programme, which now has a total of 105 members in 50 countries. With the United Nations Crime Prevention and Criminal Justice Division and the Mitre Corporation, the Institute is developing the United Nations on-line crime and justice clearing-house (UNOJUST), a system that will electronically link and make available via Internet the information housed in the programme network. The international rule of law clearing-house on-line project is an electronic library for the exchange of information on how to build institutions based on the foundation of law, which is helping both the States that comprised the former Union of Soviet Socialist Republics and other States.

3. *Conferences and meetings*

106. In the reporting period, the Institute sponsored 45 conferences, meetings and focus group sessions. The services and resources of the Institute were exhibited at 41 conferences held at various locations nationally and internationally. At the Ninth Congress, for example, representatives of the Institute demonstrated how electronic communications technology could help to improve the dissemination of information and the linking of criminal justice practitioners and officials.

4. *Information dissemination and publication services*

107. In the reporting period, the Institute published 96 documents, including full reports of research and evaluation projects, summary reports, accounts of specific programmes in locales throughout the country, conference proceedings and reports, the *NIJ Journal*, the publication catalogues of the Institute, the research plan and separate requests for research, the reports of the drug use forecasting programme, and such special publications as the report on the twenty-fifth anniversary of the founding of the Institute. Some of those publications were prepared in collaboration with other United States government agencies.

108. The Institute has recently made a number of other advances that streamline, expand and speed communication through the use of electronic information technology. All its documents are now published electronically and the "backlist" of previously published documents is being converted to on-line availability. Accessibility is through the National Criminal Justice Reference Service, which recently expanded its on-line service. The National Criminal Justice Reference Service electronic bulletin board is accessible via modem and the Internet, and the National Criminal Justice Reference Service Justice Information Center is accessible via the World Wide Web. The *International Overview and Guide* of the National Criminal Justice Reference Service was updated in November 1994 to include information on on-line services of the National Criminal Justice Reference Service available via modem and Internet.

109. In February 1995, the Institute began publishing twice monthly JUSTINFO, an electronic newsletter of information about recent research findings in criminal justice and related information about programmes

and services of the Institute and the other bureaux of the Office of Justice Programs of the United States Department of Justice.

5. *Resources*

110. The National Institute of Justice is funded by the United States Government, with some of the research supported by the Institute itself through partnerships with various federal government agencies. In the past year technology initiatives of the Institute were augmented by a major appropriation of US$ 37.5 million from the United States Congress to the United States Department of Defense to aid in adapting military technologies to domestic law enforcement use. In the reporting period, some resources came from the Crime Act, while the appropriation from the United States Congress totalled US$ 27 million, of which US$ 11 million was for social science research, US$ 9 million was for research in and the development of science- and technology-based solutions to criminal justice problems and US$ 7 million was for programme development and the dissemination of information.

111. The staff of the Institute currently consists of 61 people, an increase of almost 50 per cent compared with the previous year. The Institute comprises the Office of Research and Evaluation, the Office of Science and Technology and the Office of Development and Dissemination. The two divisions of the Office of Research and Evaluation are (a) Crime Control and Prevention and (b) Criminal Justice and Criminal Behavior. Within the Office of Development and Dissemination are two divisions: one dedicated to publications and the dissemination of activities and the other devoted to establishing pilot programmes, promoting innovations in the field of criminal justice and spotlighting emerging issues. Under the aegis of the Office of Science and Technology, the Institute recently expanded its efforts in science and technology by establishing the National Law Enforcement and Corrections Technology Center.

F. Raoul Wallenberg Institute of Human Rights and Humanitarian Law

112. The Raoul Wallenberg Institute of Human Rights and Humanitarian Law is an academic institution founded in 1984 at the University of Lund in Sweden in order to promote research, training and academic education in the fields of human rights and humanitarian law. That objective is being realized by maintaining a research library in public international law, as well as by initiating, developing and supporting other activities in those fields.

1. *Research and project activities*

113. The Institute is currently involved in a project to produce a series entitled "The Raoul Wallenberg Institute Human Rights Guides". The guides will facilitate orientation in international human rights standards by presenting the content of substantive standards in a systematic way.

114. The Institute cooperates closely with the Faculty of Law at the University of Lund. Most Doctor of Law candidates in public international law are supervised by professors of the Institute. Visiting professors can be invited to spend a full academic year at the Institute.

2. *Technical cooperation*

115. The Institute, together with the Swedish International Development Cooperation Agency, organized a programme to promote human rights and democratic values in the Burundian gendarmerie. As part of this project, six senior officers of the Burundian gendarmerie participated in a study tour at the Institute and the Swedish Police Headquarters in September 1995 (priority theme C).

116. The Institute continued to be involved in a project to enhance the democratization of the South African police force. The Institute has, *inter alia*, facilitated the secondment of Swedish senior police officers in a multinational implementation force.

3. *Conferences and meetings*

117. Seminars, expert meetings and guest lectures were organized by the Institute on international and regional protection of human rights, administration of justice, refugee law and humanitarian law (priority theme C).

4. *Training*

118. The Institute continued its academic programme to disseminate human rights standards and democratic values in developing countries and in eastern and central Europe. An extensive number of training seminars for senior government officials were organized in Burundi, South Africa, Uganda, United Republic of Tanzania, Yugoslavia, Zambia and Zimbabwe. Participants were drawn from, *inter alia*, ministries, the judiciary, police and prison administration, armed forces, mass media, the academic world and non-governmental organizations (priority theme C).

119. The Institute continued its Advanced International Programme on Human Rights, which in April and May of 1995 brought 25 government officials and academics from developing countries to the Institute for a five-week programme of intensive training in human rights, humanitarian law and refugee law. Similar programmes were organized in March 1995 for government officials from South Africa and in November 1995 for government officials from countries in eastern and central Europe.

5. *Information, dissemination and publication services*

120. The library of the Institute has a collection of some 25,000 volumes (including periodicals) on human rights and humanitarian law, as well as public international law in general.

121. The Institute continued its project to improve the collection of material on public international law by donating literature to university libraries and research institutions in developing countries. So far 11 libraries in eastern and southern Africa have received material.

122. A draft training manual on human rights and police has been published by the Institute for pre-testing in various regions. At the same time an annex to the manual, focusing on the international standards in crime prevention and criminal justice and their implementation in national legislation in Burundi, has been published in cooperation with the Burundian gendarmerie (priority theme C).

123. The first volume of the Raoul Wallenberg Institute Human Rights Guides, entitled *A Thematic Guide to Documents on the Human Rights of Women: Global and Regional Standards, Adopted by Intergovernmental Organizations, International Non-Governmental Organizations and Professional Associations*, was published in 1995.

124. The following two reports were published in the report series of the Institute:

(a) *The Equal Status and Human Rights of Women: A Compilation of Country Reports from the Advanced International Programme in Lund, Sweden, 27 September to 14 October 1994* (report No. 20);

(b) *Nordic Seminar on Implementation of Humanitarian Law, Lund, 11-12 September 1995* (report No. 21).

6. *Resources*

125. The two main sources of funding of the Institute are the Swedish Ministry for Foreign Affairs and the Swedish International Development Cooperation Agency. The latter finances most of the activities of the Institute carried out in developing countries and in countries in eastern and central Europe.

V. ACTIVITIES OF THE INTERNATIONAL SCIENTIFIC AND PROFESSIONAL ADVISORY COUNCIL

1. Conferences and meetings

126. The annual membership conference of the International Scientific and Professional Advisory Council was held at Courmayeur, Italy, from 15 to 16 October 1995. The annual coordination meeting took place from 17 to 18 October 1995. The meeting was hosted by the Council and organized in cooperation with the Crime Prevention and Criminal Justice Branch and UNICRI.

127. Several ancillary meetings were held at the Ninth Congress under the auspices of the Council by its resource committees and member organizations. They included the following: a meeting on the role of prosecutors in different contemporary legal systems; two meetings convened by the resource committee on victim protection and assistance (one on the implementation of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power (General Assembly resolution 40/34, annex) and the other on the reintegration of children following armed conflict) and an ancillary meeting on migration and crime.

128. The Council is organizing a major international conference on migration and crime, to be held at Courmayeur in June 1996. A planning meeting for the conference was hosted by the International Institute for Higher Studies in Criminal Sciences at Siracusa on 9 December 1995 (priority theme A). The Council co-sponsored a conference on international criminal justice, organized in cooperation with the International Institute of Higher Studies in Criminal Sciences at Siracusa from 4 to 8 December 1994, and an international meeting on crime and criminal justice in the Mediterranean area, held in Malta in February 1995 (priority theme A).

129. A meeting of experts was held at Noto, Italy, in September 1995, in cooperation with the International Institute for Higher Studies in Criminal Sciences, in order to analyse the preliminary results of the research on female offenders in contemporary criminal justice systems and to make appropriate recommendations for its international expansion, using an interdisciplinary approach (priority theme B).

2. Training and other technical assistance

130. The resource committee on correctional systems and rights implemented a major initiative, involving workshops and seminars for prison personnel, using the *Basic Training Manual for Correctional Workers*, which had been pioneered by the late Luigi Daga and further developed. The workshops and seminars included the first Latin American seminar on penitentiary policy, held at Buenos Aires from 26 to 29 March 1995 in cooperation with the Government of Argentina, which was attended by over 400 participants from countries throughout the region; and a workshop on training and management in correctional systems, organized jointly with Instituto Superior Ibero-Americano de Estudos Criminais at Valença, Brazil from 28 August to 2 September 1995. The *Basic Training Manual*, which has been translated into Arabic, French, Italian, Portuguese, Somali and Spanish, has been used in, or requested by, the following countries and areas: Argentina, Barbados, Brazil, British Virgin Islands, Canada, Chile, Costa Rica, Czech Republic, Dominica, Egypt, Grenada, Hungary, Israel, Jamaica, Jordan, Lebanon, Malawi, Malta, Mauritius, Mexico, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Slovakia, Somalia, Trinidad and Tobago, Uganda and United Republic of Tanzania. Other relevant material and advice on desirable prison reforms and the use of alternatives were also provided (priority theme C).

131. The resource committee on early warning systems, conflict avoidance and dispute resolution submitted a project proposal on conflict resolution, technical assistance and training, which was designed to increase or create capacities in those areas and to sponsor innovative action programmes using dispute resolution techniques, such as community policing.

3. *Research and policy development*

132. Phase one of a major research project on female offenders in contemporary criminal justice systems was carried out by the resource committee on female offenders (priority theme B). With the help of a working group of the Centro Nazionale di Prevenzione e Difesa Sociale and the Milan-based Istituto per l'Ambiente, the resource committee on the role of penal law in the protection of the environment carried out a project on problems of criminal responsibility and sanctions for environmental violations (priority theme A).

133. Another working group, convened as part of the activities of the resource committee on the rights of the child, including juvenile justice, conducted operational research, the results of which were considered at a meeting of experts on juvenile deviance in urban areas that was held at Milan in December 1995 (priority theme B). Within the resource committee on human rights in criminal justice, including standards, norms and guidelines, monitoring and implementation, the PIOOM Foundation is developing training materials, such as a manual on human rights training for law enforcement practitioners and other manuals (priority theme C).

134. The coordinator of the resource committee on victimization prevention and protection of victims compiled and edited *International Responses to Traumatic Stress: Humanitarian, Human Rights, Justice, Peace and Development Contributions, Collaborative Actions and Future Initiatives*[9] to commemorate the Fiftieth anniversary of the United Nations (priority theme B).

4. *Information dissemination and publication services*

135. The Functional Committee of the International Scientific and Professional Advisory Council has sought to strengthen the information and clearing-house functions of the Council by further close cooperation with the United Nations Crime and Justice Information Network and the World Criminal Justice Library Network. The coordinator and some other members of the committee took part in the third meeting of the World Criminal Justice Library Network, held at Villingen-Schwenningen, Germany, in May 1995. The meeting was hosted by the police college of Baden-Württemberg (priority theme C).

136. The Council has become a functional member of the United Nations Crime and Justice Information Network, with access to the Internet, the database of the Network, including the results of the United Nations surveys of crime trends and operations of criminal justice systems, crime and justice profiles and United Nations standards and norms in crime prevention and criminal justice, as well as other relevant information. A world survey on the availability of criminal justice statistics worldwide is being carried out by the coordinator of the functional committee. The assistance rendered to the Council by the National Institute of Justice of the United States Department of Justice to facilitate its participation in UNOJUST, the on-line crime and justice clearing-house, should also help to develop the capacity of the Council in this respect, together with the information service of the non-governmental organization alliances.

137. A number of publications were issued with the assistance of the Centro Nazionale di Prevenzione e Difesa Sociale and other collaborating institutions, such as the Arab Security Studies and Training Centre, which published the *ISPAC Newsletter*. The special publications of the Council included a volume on migration and crime, prepared in connection with an ancillary meeting held within the framework of the Ninth Congress with the help of the PIOOM Foundation; a volume on the colloquium on criminal justice management, published with support from the International Penal and Penitentiary Foundation; and the *Basic Training Manual for Correctional Workers*, to be made available in other languages besides English.

5. *Resources*

138. The administrative support for the operations of the International Scientific and Professional Advisory Council is provided by six staff members of the Centro Nazionale di Prevenzione e Difesa Sociale at Milan, where the secretariat of the Council is located. The substantive support to the work of the Council is

provided by the Chairman, the members of the Board and the coordinators of the resource committees on a voluntary basis without any remuneration. Members of the Council, including individual experts, academic institutions and non-governmental organizations, also contribute voluntarily to the activities of the Council. The activities of the Council have been limited by its severe resource constraints and a cut in the basic grant provided by the Government of Italy through the United Nations Crime Prevention and Criminal Justice Fund. The available resources were utilized primarily on a cost-sharing basis for the different activities of the council. The total budget of the Council amounts to the equivalent of 250 million lire per year. Additional voluntary contributions by local entities, including the Fondazione Courmayeur Mont Blanc Centro Internazionale su Diritto, Società e Economia, allowed the Council to meet the full costs of its activities.

Notes

[1] Ugljesa Zvekic, Wang Lixian and Richard Scherpenzeel, eds., *Development and Policy Use of Criminal Justice Information: Proceedings of the Beijing Seminar*, UNICRI Publication No. 53 (Rome, 1995).

[2] Carla M. Santoro, ed., *A World Directory of Criminological Institutes*, 6th ed., UNICRI Publication No. 54 (Rome, 1995).

[3] Ugljesa Zvekic and Anna Alvazzi del Frati, eds., *Criminal Victimisation in the Developing World*, UNICRI Publication No. 55 (Rome, 1995).

[4] *Violence in the Family: An International Bibliography with Literature Review*, UNICRI Issues and Reports series, No. 4, 1994.

[5] *Women's Victimization in Developing Countries*, UNICRI Issues and Reports series, No. 5, 1995.

[6] *First United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Geneva, 22 August-3 September 1955: report prepared by the Secretariat* (United Nations publication, Sales No. 1956.IV.4), annex I.A.

[7] *Criminal Justice Profiles of Asia: Investigation, Prosecution, and Trial* (Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders, 1995).

[8] *International Centre for Criminal Law Reform and Criminal Justice Policy, Guide to Internet Resources in Criminal Law and Criminal Justice* (Vancouver, 1995).

[9] Yael Danieli, Nigel S. Rodley and Lars Weisæth, eds., *International Responses to Traumatic Stress: Humanitarian, Human Rights, Justice, Peace and Development Contributions, Collaborative Actions and Future Initiatives* (Amityville, New York, Baywood Publishing Company, 1996).